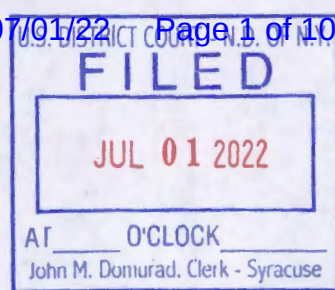


UNITED STATES DISTRICT COURT
for the Northern District of New York



Ako K. Burrell, Plaintiff(s)
(Individually and on the behalf of others
Similarily situated)

V.

Doccs, et al.

9:22-cv-702

Plaintiff(s) allege:

1. This is a Class Action authorized and instituted Pursuant to Rule 23 of the Federal Rules of Civil Procedure and Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. 2000 et seq., Particulary 42 U.S.C.A. 2000e-3 (a). Jurisdiction of this Court is invoked Pursuant to 28 U.S.C.A. 1343 (a) (4), 2001 Q002, and 42 U.S.C.A. 2000e-5.

2. Declaratory and injunctive relief, damages including Punitive damages and other appropriate relief, including attorney fees and costs, as authorized by 42 U.S.C.A. 2000e-5 (a) and (k), are requested

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Complaint

Docket #

Retaliation for
Opposing Unlawful
Conditions of Confinement
Disparate Treatment

Fed R. Civ. P. 8(a);
42 USCA 2000e et
seq.

3. This action seeks relief certain discriminatory acts perpetrated by Defendant(s) against Plaintiff(s) and the Class they represent herein. The discriminatory acts were and are punitive in nature, and Defendant(s) committed acts in retaliation for participation of Plaintiff(s) and the in a Title II Class action against Defendant Department of Corrections and Community Supervision; filed in this Court on June, 2022, entitled "HALT-RETRIBUTION." The discriminatory retaliatory act(s) were and are unlawful regardless of the merit of the underlying charges and proceedings in connection with those acts occurred.

4. The individual named Plaintiff(s) herein and members of the Class they represent were housed by Defendant DOCS as incarcerated individuals, enrolled in the Residential Rehabilitation Unit, at Upstate Correctional Facility; 309 Bare Hill Road, Malone, New York 12953. At some time on or after March 31, 2022. Each named Plaintiff and Class member was a incarcerated individual(s) at some time or times during the period beginning March 31, 2022.

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4. Each named Plaintiff and Class member was deprived of his rights; services; and treatment pursuant to HACT Act; Correction Law; New York Codes Rules; and Regulations Title Seven(7), by reason of DOCC's Policy of not adopting to the HACT Act; and State Statutes it fell under. A Policy the New York State Correctional Officers and Police Officers Benevolence Union Incorporated (Defendants #2) acquiesced. Each named Plaintiff and Class member was and is a member of Plaintiff's AKA Burma class action, which was brought to challenge the Policy and to seek affirmative relief from its continuing discriminatory effects on Plaintiff and the Class.
5. Union was and is a Labor Union and representative of Defendant's Correctional Officers at UCF-KAR. QS defined in the New York State Correctional Officers and Police Officers Union's, and a labor organization was defined in Title VII, 42 U.S.C.A. 2000e(Xd). Union was a named Defendant, along with DOCCS; and Upstate Correctional Facility; Amucci DOCCS Commissioner; Donald Uhler Superintendent UCF-KAR;

5. The unlawful employment Practices Committed and being committed, by DOCCS and the Union as alleged herein, have occurred and are occurring in Upstate Correctional Facility - Rehabilitation Unit. In the event the Union has been transmuted into a successor union or unions, this Complaint is alleged to include the successor or successors.

6. DOCCS Defendant #1, is a municipal of the State of New York, and an employer to Union members of Defendant #2, as defined in the HACT Act; Correction Law; New York State Rules and Regulation(s), 45 USC# 151, 181 and is an employer engaged in an industry affecting Liberty, Freedom of Speech, Rehabilitation, Care & Custody of Prisoners, of the State of New York Penal Law violators, employing fifteen or more persons, as defined in Title VII, 42 U.S.C.A. 2000(e)(6). DOCCS does business in New York State, County of Franklin, Town of Maloney 309 Berehill Road, 12953. Upstate Correctional Facility Residential Rehabilitation Unit. The unlawful employment Committed, and being committed, by DOCCS and Union have occurred and are occurring in the State of New York, County of Franklin, Town of Maloney, 12953, 309 Berehill Road, Upstate Correctional Facility Residential Rehabilitation Unit.

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7. This Class Action is brought Pursuant to Rule 23, Federal Rules of Civil Procedure on Plaintiffs' own behalf of a Class consisting of all Person(s) who were and are members of the Plaintiff Ato Burrell Class. The Class, consisting of more than 300 Persons, is so numerous that joinder of all members is impracticable. There are common questions of law and fact, and the Claims of Plaintiffs are typical of those of the Class. In Committing the unlawful employment Practices Alleged herein, Defendants have acted and refused to act on grounds applicable to the Class, thereby making appropriate final injunctive, declaratory and remedial relief with respect to the Class as a whole. Plaintiff Ato Burrell, as representative Parties, by Pro-se, will fairly and adequately represent and protect the interest of the Class,

8. Defendant(s) have engaged in and continue to engage in unlawful employment Practices with respect to the Class in violation of Title VII, 42 U.S.C.A. 2000e-3(a). as follows (on the next page),

(Page 3 over)

- (a) 9. During the Pendency of the HACT Act effective Date of March 31, 2022, Defendants' DOCS & Union Entered into an Agreement of Comprise and Settlement with each other, in an attempt to dispose of the HACT Act, and to retaliate against Governor Kathy Hochul, and New York State Legislators.
10. In return, each class member was affected by, Defendants' DOCS; And Amucci, Placing Defendants' Union and Uhler and giving them the right to apply to be placed on a Preferential hiring list from which selected be an employee, as a Residential rehabilitator Unit Staff member, or a Superintendent; and Disciplinary Hearings) and requiring them no training, as required in Correction Law 137.
11. (b) After hearings this Court approved the settlement terms by its Judgment of April 01, 2016. That order, was a Settlement between Defendant Amucci and DOCS, with the New York Civil Liberties Union ("NYCLU v Settlement"). Defendants filed a Putative Class Action on May 07, 2021, alleging that the HACT Act violated their due-process right to be free from State-Created Danger. On June 16, 2022 this Court denied Defendants' Complaint and its Counsel had not afforded a claim. (See Exhibit 01A, B Attached.

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(d) Those class members who succumbed to the Denial of Release from DOCs Custody on Parole, Conditional Release Dates; Criminal Sanctions Impact; Time Allowance; Good Time Restoration, Residential Rehabilitative Unit; Disciplinary Hearings; Religion Practices; Conditions of Confinement of atypical and Significant Hardship. By the Defendants, DOCs and Amucci by placing Defendants, the Union and their members on a Preferential hiring list, and employing them to UPState- (RRV) with no training required in Correction Law 137.

While class members did not waive their Due-Process Rights, they were denied ^(See Exhibit) the opportunity to attend Time Allowance; Parole; Program Management Team (PMT); Grievance Hearings; and/or be given any assistance if did attend. The class members with Conditional Release Dates in 2022, or if good time is restored immediately release were and are more vulnerable to RRV-Denial of Discharge, and a Conditional Release, or General Population, and are subject to many relative disadvantages attendant upon the lack of training RRV-staff and Union members. Defendants discriminated against them depriving them of their State and federally protected rights to Due Date in RRV without retribution in Proceedings Seeking full Affirmative relief in this class action.

(Page Nine) (over)

(c) In Connection with the Defendants' Union Petition May 07, 2021, Class action against Gov. Hochul, Defendants, DOCS, and Union making representations designed to further assist Defendants in their efforts to discriminate against the Class. A copy of an illustrative example of Defendants' denial of the HACT Act, refusal to accept, and a fabricated, exaggerated November 21, 2020 manipulation play, which gave birth to an onslaught of attacks throughout of DOCS, to create statistical data to refute HACT Act. Defendants have engaged, and continue to engage, in intentional Practices designed to deny Plaintiffs' HACT Act Provisions, and lawful Continuity, depriving class members of Liberty, Due Process; Equal Protection; internal and discourage and prevent Class members from filing grievances asserting their Redress of Government First Amendment Rights; Title VII rights. This conduct by Defendants, aimed exclusively at persons who were and are members of litigant Plaintiff AKO K. Burrell, who was enrolled in Upstate Correctional Facility - Residential Rehabilitation Unit, constitutes differing and discriminatory treatment in violation of Title VII, 42 U.S.C.A. 2000e-2(a); HACT Act; New York Correction Law; New York Statutes Codes, Rules, and Regulation Title 67/ Seven United States Constitution;

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15. The actions of the Defendants constituted a conspiracy between them, maliciously carried on, to deprive the members of the class of their civil rights in violation of Title VII; HACT Act; New York State Correction Law; New York State Codes, Rules, and Regulations Title 7 (Seven); United States and New York State Constitution &c.

16. On or about January 25, 2021 Senator Salazar, Act to amend the Correction Law, in relation to restricting the use of Segregated Confinement and creating alternative therapeutic and rehabilitative confinement options (See Exhibits D)

Wherefore, Plaintiff respectfully pray that this Court, upon hearing, enter the following orders in accordance with the provisions of Title VII; 42 U.S.C.A. 1983;

- (a) Declaring the rights of the Parties and finding that the conduct was and is violative of Title VII, 42 U.S.C.A. 2000e-3(a); 42 U.S.C.A. 1983; United States Constitution; New York State Constitution; Correction Law; Codes, Rules, and Regulations, and the HACT Act;
- (b) Entering Preliminary and Permanent injunctions enjoining and prohibiting Defendants from engaging in any conduct with respect to Plaintiffs and the class which is violative of Title VII; 1983; HACT Act; New York State Constitution; Correction Law; New York State Codes, Rules, and Regulations; United States Constitution

(C) Ordering Defendants by mandatory injunction to take such action as is deemed necessary to eliminate the effects of the unlawful conduct and to assure that such unlawful conduct does not continue to affect the services required for a Program Management Team Review; by the Residential Offender Rehabilitation, and a DOCCS security; consisted with Captain - to even as low as a Sergeant, Correctional Officer(s) Untrained; and Staff, Untrain issuing negative informationale, to be reviewed by both PMA-staff; Review at the Point deterring a successful discharge, rights and Opportunities of Plaintiffs and the Class, including but not limited to release from the DOCCS upon a Residential Rehabilitation Individual Plan SERVICES Needed; and a Projected Time frame to be released within Correction 137; Criteria of eligibility.

17. Defendant(s), in violation of the Provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. 2000e et seq., have denied and continue to deny Plaintiff(s) and the Class they represent equal opportunity for HALT; and Correction Law 137. In Particular, Defendant(s) have engaged to continue to engage in the following unlawful Practices that are not HALT; or Correction Law Official Reputation of the Upstate Residential Rehabilitation Unit; 309 Barclay Road, Malver, New York 12953.1

- A. Maintaining a Policy of Pre-HALT Era; Upstate Special Housing Unit manual. Not enrolling Plaintiff(s) into the RRU- Upstate Programs, or treatments.
- B. Establishing a rebellion of the HALT Act; to deny Governor Kathy Hochul, by providing unequal placement into RRU.
- C. Increasing the number of Correction Officers and Staff without training. maintaining separate and unequal access to jobs and Promotions for Corrections Union members in DOCCS.
- D. Maintaining terms and Conditions of employment for Female Officers that are different and unequal to those applied to Plaintiff(s) under HALT; Correction Laws.
- E. Requiring Correction Officers and EMTs to perform the same Special Housing Unit, and receive a higher pay rate as in RRU.

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(i) Ordering Defendants to offer all
CLASS members immediate placement
on the DOCS; Time Allowance Good Time
Credit Rewards and Allowance and Reimbursements
for unlawful confinement; Failure to Provide
Services to be successfully release on a
fixed or tentatively release by a

Program Management Team Review from
DOCS; As To take affirmative measures, in accordance
with a Plan approved by this Court, to assure that all recruit-
ment, examination & hiring Practices utilized in obtaining
Employees for the DOCS RAN are designed to insure equal
Protection for all Persons HACT Act;

- B. To enroll and discharge Plaintiff's 60 Day review satisfied.
- C. To discontinue giving Special Housing marital & obtain
Predications of Job Performance with the HACT Act.
- D. To Cease rejecting Plaintiff's Conditional Release;
Restoration of Good Time RAN SUCCESSFUL discharge
- E. To discontinue Placement & Promotion of Union Correction
members until they undergo the specialized training
under HACT.
- F. To Publicize these Charges in the Community & actively seek
Applications from trained DOCS.

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18.) Defendant Anthony Amucci is the Commissioner of the Department of Community Supervision and Corrections 1220 Washington Ave, Albany, New York 12226. In this Capacity, he is responsible for administering the Dept & enforcing the Provisions of the HALT Act; & Correction Law relating to Correctional Hiring and Employment Practices Defendant allows to be applied in a manner that discriminates in violation of 42 U.S.C.A. 2000e et seq. & 42 USCA 1983.

19. Defendant Central Office is the recruiting director of the 1220 Washington Ave, Albany, New York 12226. In this Capacity, Defendant is responsible to the Commissioner for the recruitment, testing & Certification of all Applicants for employment with the Department of Corrections and Community Supervision; 1220 Washington Ave, Albany, NY 12226.

20.) Defendant Kathy Hochul is the Governor of the State of New York, who is responsible for governing the DOCS & Providing that the Provisions of HALT Act; Correction Law are enforced, including appointment of the Commissioner of the DOCS.

21.) Plaintiffs bring this action on behalf of themselves and all other persons similarly situated, Pursuant to Rule 23(a) & (b)(2) of the Federal Rules of Civil Procedure.

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22) Defendants are all Offender Rehabilitator Coordinators (seniors); T. Nelson, St. Mary, Hess, Dumas, Campbell, Donnelly, Johnson, Fountain, Fye, Faucher;

23) Defendants are DOCS Administration, Annucci, Noeth, A. McGriver; Central office Supervisor John Doe;

Defendants are UCF-RRU-Administration; Uhler, Bishop, Stickey.

24) Defendants are Union members; and DOCS UCF-RRU Staff; Captain Gwin, Sgt. Dearbone, Bradford, Bullock, Roney, Roney, Niles, Swager, Lt. Spinner, Hastings, Merrill, K. Malotte, Sgt. Locke, Martin, O'Leary, O'Segozo, Sgt. Spinner, Mathis, Powers, Watkins, Delaney Devon, Delaney Brad;

25) Defendants are UCF-DOCS Civilian(s); EKP C. Baynes, EKP II Merrill, Food Administrators G. Boile

25 On or about November 01, 2022, disciplinary Guidelines & Sanctions were modified so that only Tier III offenses align with the law warrant a Confinement Penalty. This is a Superintendent hearing, governed under New York Codes, Rules, & Regulations, Title Seven (7) (hereinafter NYCRR 7); Ch. P. V.; and/or Part 254. Hearing Officer (hereinafter H/O) states & is the mode of Procedure. The person appointed to conduct the Superintendent's Hearing shall be either the Superintendent, Captain or Commissioner's Hearing Officer employed by the Department of Central Office (Defendants' Docs), but the Superintendent may in his discretion, designate some other employee to conduct the Proceedings.

26. Plaintiff's Burrell, will demonstrate, Annucci, is the Commissioner of Docs, & the Supervisor of VCF-RW and more importantly is also the Protector responsible for the enforcement of the integrity of Plaintiff's Burrell Due Process rights which he intentionally deprived Plaintiff's Liberty & Property interests.

27. Annucci & Central Office (Defendants' Docs) were more than merely negligent, providing no adequate due process, Annucci & Central Office (Docs) are under intended to deprive Plaintiff's Burrell of Property & Liberty interest, in their Procedural & Substantive due process violations. Docs were & is employing Commissioner Officer to conduct Tier III hearings, as H/O, without any training as required. Docs & Annucci is Central Office Supervisor & is responsible for the Commissioner's Officer, his delegates, has the required training to meet due process requirements in NYCRR 117.4932, & Correction Law 137.

28. Defendant Uhler, was never trained to conduct these Superintendent hearings (S) at the VCF-KAV, as of March 31, 2021. Now was Sore Nelson, Sore St Mary, Lt Spinner, & Captain-Corridor. Annucci, failure to train Uhler, St. Mary, Lt Spinner, Nelson & Corridor, ripple effect Uhler delegates to his Superintendent hearings were negligent. Making DOCS, & Annucci, Central office, VCF-KAV, & Uhler Municipal liable.

29. Annucci & Central office, were required to training these Commissioner (S) officers (John Doe Defendant (S)) in accordance with Correction Law 137, & HACT Act.

Defendant Uhler, was required to provide training, a specialized training, prescribed in Correction Law 137 & the HACT Act, pursuant to NYORA 7, Dir. 4932 2014.1, he was a official capacity under the color of law, to conduct Tier IET hearings outlined, & defined in HACT Act & Correction Law 137. Annucci, Central office, DOCS, Uhler & their delegates.

Commissioner officers (S), & Sore Nelson, Sore St Mary, CPT Corridor, & Lt Spinner (Defendants H10). Then allowed these hearings to be conducted at VCF-KAV, & render guilty dispositions against Burrell, of Liberty Intersect Cid. Good Time] Conditional release; Program eligibility, transfer, TAC, not limited to Ceng. Property loss; loss of packages, Comp structured at a \$5.00 fee for the guilty disposition. This has caused Defendant Dir. Sgt. A. Rodriguez who refuses the trend to conduct numerous appellate review of Burrell Tier IET appeals.

30. The Plaintiff (who) and is at all times stated herein as confined under the New York State Correction(s) Law 137; New York Codes, Rules, and Regulations Title(7) Seven. Correction Law 401; 168; HALT Act).

31. These entitled liberty and Property interest at all times complained of herein and the entirety Provisions such as at least six hours of out-of-cell programming (e.g. Congregate Programming, Licenses; treatment; recreation; activities and meals).

32. Plaintiff was informed by Defendant Usher and ELRC, that "the Facility was providing more static tablet and listening" Usher, informed deceptive plan, Plaintiff failed this alleged "Procure additional tablets," as a deterrent to prevent future attacks of Plaintiff and negligence, towards each other, over having to share the static tablet, using now the an alleged use duration agreement & Co. by Plaintiff.

Plaintiff failed this recovery, as and inventory request pertaining to static tablets) additions, none existed.

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33. Plaintiff, arrived to the Upstate Residential Rehabilitation Unit on or about April 12, 2000. They refused to be effective in Performance of their duties. That is required to, In the Interest of accomplishing, Public Goals, with the New York Civil Liberties Union ("NYCLU" Settlement; i.e. *Peoples v Annucci*, 180 F. Supp. 3d 394 (S.D. N.Y. 2016), on April 01, 2016) that encouraged Public Services by these Defendants, therefore the eligibility for qualified immunity is disturbed. (See Exhibit A)

34. DOCS as a municipal is liable as well as the Union(s). The Congress did doubt it's Constitutional Powers to impose such liability in order to oblige municipalities to control the conduct of others. Congress never questioned its power to control of others, and impose civil liability on municipalities to control the rights for Defendants, own illegal acts.

35. Congress did intend to impose liability on a municipal(s) Defendants when they're deliberate action is at the core of the moving force in the injuries Plaintiff's Burrell injuries. The 1983 Complaint, Plaintiff's Burrell identifies a decision properly attributable to the DOCS & Bureaucratic Union as municipal's decision was intended to enforce the HALT Act, and Correction Law 137 REV-Program. These Defendants directed employees to violative Federal Overprocess Liberty and Property interests as NYCLC (7/1/4930; Correction Law 137; 610.401, and 148, resolving these issues on Fault and Causation of DOCS and Union is straight forward.

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36. The Defendants DOCS, Annucci, Deputy Commissioner North; Benevolence for Correctional Officers; ORC Hess; ORC Hess; Fontana; Donnelly; Johnson; the Sorensen and Mary, Deputy of Programs Strickland, Deputy of Security Keiginaid Bishop; Captain Harding; Superintendent Donald Uhler.

37. All the New Civilian Staff & Correctional New Security Staff. The title 42 USC 1983 provides in relevant part every person who under color of any statute, ordinance, regulation, custom, or usage of any state or territory or the District of Columbia subjects, or causes to be subjected any citizens of the U.S. or other person within the jurisdiction here of the U.S. or other person with the jurisdiction there to the deprivation of any rights, privileges, or immunities secured by the Constitution or laws, shall be liable to the party injured in an action at law, suit, in equity or other proper proceeding for redress.

38. The HACT Act of March 31, 2022, and Correction Law 137; DOCS and these defendants, under the Constructed test for qualified immunity by balancing competing interest in the jurisdiction of citizens Constitutional rights, & in these Public Officers refused to provide Plaintiff Bi Brunell, with New York Congress on New Program Plaintiff Bi Brunell, with New York Congress on New Program and Conditions of Confinement & is standing filing a Class Action to repeal HACT (see New York State Correctional Officers and Police Benevolent Association Inc; 1:21-cv-535 (MAD/CFH); WL 2022 2180050), DOCS and the Union constitute a element of NYS Corrections Systemic racism epidemic. (See Exhibit B)

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IDU-PROCESS

DePrivations

39. DOCCS & the Union, correctional officers and civilian staff, were the final decision makers of the HALT Act due to the Union Persistence in having the HALT repealed raising futuristic statistical data, of fabricated assault on correctional officers & DOCCS staff. The Union, B Amucci, on or about November 21, 2020, conspired to cause a influx in violence statistical data at several DOCCS maximum security facilities. They acting in concert, DOCCS are Defendants employer, and Amucci, is that decision maker, working in an collusive effort with defendants.
40. Defendants Bishop, Fenton, Johnson, Fye, Hess, Donnelly, Dumas, St. Mary, Nelson, and subordinate staff Union were directed by Thomas Hamahy and Amucci, as Uhler. They believed that if they demonstrate a degree of violence within DOCCS facility, the HALT Act can be repealed. Their minds were so entrained in perpetuating the HALT Act provisions after it was already passed. They refused to provide the rights, services, & treatment, pursuant to HALT, Correction Law 137; amended 11, 1930. DOCCS final decision makers are Amucci, Uhler, Nolta, Bishop, Thomas Hamahy, Union Administration who govern and advocates, correctional officers who execute or action failed to the particular situation of a foreseeable non violence that & Defendants were in consequence of action, not to undergo the training required provided to HALT Act & Correction Law 137; This decision was inter (Hearings) State created liberty interest Procedures, Circuit installers give rise to municipal liability.
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41. The contours of the right(s) are sufficiently clear that a reasonable official would understand that what ~~she~~ is doing violates the Rights of HALT;

NYCLU Settlement, that is not say these Defendants' official actions were or are protected by qualified immunity unless the actions in a question has been previously been held ~~very~~ action in a question has been previously been held unlawful. That in the light of pre-existing Correction Law (37) and Dir. 4432, ~~before~~ That is not to say these defendant's official actions were or are protected by qualified immunity unless the very action in a question has been previously been held unlawful. That in the light of pre-existing Correction (37); and Directive; before ~~HALT~~ Act, the unlawfulness is a ~~per se~~.

42. The existence of New Dynam makes Proof of Fault causation at least in an Inadequate training aspect of the Complaint. The Plaintiff(s) Bureau will show that the Docs and Union actions taken in response of the enactment of HALT. The realities of degree of culpability to demonstrate a "Direct Casual link btw. these two Municipal(s) actions to the Deprivation of Plaintiff(s) Bureau Federal; and State rights,

43. Congress never questioned its power to impose Civil liability on municipalities for their own illegal acts. Defendants Amucci, and Ullmer, know of obvious consequences of Due Process violations, inter alia, all on provided by the showing of specialized training required for union members must undergo, that Docs failed to train its UCFRAN employees to handle running Docs, and situations presenting an obvious potential for such a violation. These violations were and are highly predictable consequences of Docs failure to train, & union members' refusal to train & then by suing in class action finding of deliberate indifference by Policy makers.

44. The acts performed, pursuant to the "Custom" has not been formerly approved, or is no longer existing. These Defendants Amucci, Ullmer, Docs, & Union, (members) Custom (illegal), no longer existed. Div. 4932, (Municipal) inter alia was required to conform to HACT provisions and the previous rules, guidelines, or Superintendent after existing by an appropriate decision maker. Fairly subjects Docs to liability on the evidence & theory culture in their class action that the relevant practices are so widespread in Docs & UCFRAN to it has the force of law tripping the HACT Act, or otherwise, as a totalitarian municipal.

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45. The continues adherence to an approach to fabricate Prisoner(s) Plaintiff(s) Bureau assaulting Defendant(s) members & employees to conjecture evidence on the verge of forcible futuristic capabilities, to repeal the HACT Act, & the refusal to undergo the required training, the HACT Legislators specified in correction law 137. That Amucci had ample amount of time to provide the required training. Since the start of the HACT Act effective date of March 31, 2002, was axiomatic.
46. Defendant(s) did not order a State-wide memo to C.O. & Civilian Staff of the training required. Instead Amucci published a memorandum on November 21, 2002, indicating that Plaintiff(s) will be prosecuted. It was under the direct influence of a systematic manipulation play, by union members, & others to undermine legislators HACT Act.
47. The continued adherence to an approach to not train but hire Dolls & union members to run officers; hearing officers & staff, but blatantly defying Congress. They knew or should have known that no training is prescribed in Correction law 137 from relevant experts, or inter alia Psychological in Correction law 137 from relevant experts, or inter alia reflects of segregated confinement; anticipating these class action 2002 W2 2180050, will cause so these failures to provide future conduct by employees established the conscious disregard for the consequences of their action & excused in a pattern of constitutional violations.

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48. The fundamental requisite of due-process of law is the opportunity for Plaintiff(s) Burrell to be heard. Plaintiff(s) "Disciplinary Hearing" enjoys only the most basic due process rights, ~~the~~ HAT Era. The HAT Act raised the training of hearing officers (hereinafter H/O) to *inter alia* a min. of thirty-seven (37) hrs. of specialized training on substantive content developed in consultation with relevant experts, on topics including, but not limited to, the purpose and goals of the non-punitive therapeutic environment, trauma-informed care, restorative justice, and dispute resolution methods. Prior to presiding over any hearings, all hearing officers shall undergo a min. of thirty-seven hrs. of training on relevant topics, including but not limited to, the physical and psychological effects, or segregated confinement, procedural due process rights of Plaintiff(s) Burrell, and restorative justice.

49. These Defendants, Amucci, Uhler, Bishop, Dolles, and Union (members) refused to provide Plaintiff(s) Burrell with the new HAT Act applicable to them. These Sanction Publish Guidelines, Rules of Conduct, *inter alia*, it is permissible for the failure to train, (state created danger), & injury in fact theory applies to all Defendants, Dolles, UCF-NAV Staff. These officials claimed long standing conflict of interest and is a judge of sufficient magnitude to violate due-process.

50. To support a charge of H/W (Defendants) inmates, 13 Profound with trainings with relevant experts, inter alia, not limited to Due Process & Restorative Justice. The HACT Act, of Congress elevated the Docs So Prisoner & Her Health, Pursuit to NYC-UN 61; 4932, to a quasi-judicial activity & to the improper withholding of training, caused Plaintiff's erroneous disciplinary penalty.

51. These Defendants' Plaintiff's Bureau, the rights, services, & treatment of Correction Law 137 & DFR 4932; (7 Years); Plaintiff's Bureau received PMF, Duke; now discharge, Good They Program, inter alia determinations that were under disciplinary charges circumstances, in the end resulted in arbitrariness, & adversely pre determined decisions by defendants as no attainment of Due Process.

52. Docs failure to adequately servitize these Defendants' applications, & the now training satisfaction of union members; Correctional applications abrogated constitute deliberate indifference. The living Policy & training Policy at Docs, & VCF - now as instituted by Congress Pursuit to the HACT Act & Correction Law 137; NYU 61; 4932. The Defendants' Union & Assoc, (Docs), were each so inadequate as to amount to deliberate indifference to the Constitutional such Correction Law 137; rights, services, treatment, & conditions of confinement of Plaintiff's Bureau needs.

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53. HALT Act Provision - 5 (1) If individual charged is (Plaintiff) Placed in segregated confinement prior to their disciplinary hearing, the hearing must be completed within 5 days, unless the illi requires either medical or other care, is not present at the facility; (2) Upon issuance of the MBR, the illi will be served with the disciplinary MBR & an attached Tier Assistance form, which includes the criteria for both outside representation & representation by an illi. Form completed upon receipt & brought to the first scheduled meeting with the assigned hearing officer. Charged illi will be given at least 24 hrs. after the service of the MBR to prepare a defense.

(3) Commencement of the hearing. assigned H/O, the charged party will choose to either (1) continue with the hearing immediately; (2) request a postponement of the hearing to seek assistance, representation; (4) If assistance is requested by the charged illi, the Superintendent will assign an assistant; (5) If an illi requests representation, it is the illi responsibility to seek outside representation during the time access to the phone is provided. Access to the phone will occur within 48 hrs. of the commencement of the hearing. The illi is responsible for scheduled date/time of the postponement legally to all Dept. requirement for representation; (6) If illi determines they want an illi to represent, they have to specifically identify their chosen illi at the commencement of hearing; (7) All potential witnesses must be identified at the start of the hearing; (8) All parties shall conduct themselves in a professional manner consistent with appropriate standards of decorum; (9) After Superintendent Hearing an illi receives disciplinary sanctions of more than 15 days.

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54. They, will be transferred to a RRV or Step down Unit (SDU) at or Prior to reaching 15 days in SHU; Sanctions are not capped at 15 days SHU; but must be in line with Publish disciplinary guidelines; (10) HALT result in, it may be placed in SHU for longer than necessary & no more than 15 days (5) Constitutes a violent felony act, then it can be returned to SHU as long as they have spent at least 15 days in a DIS position with the current guidelines, or in excess of the guidelines in certain cases, the remainder will be served, depending on the case, in either a RRV, RRVHTU, SDU or other alternative unit.

The New York Statutory requirement that DOCS & Amucci annually review all rules, & regulations pertaining to, Plaintiffs, Buell. New York Statutory requirement that all such rules be precise & specific would be support in position of liability to, Plaintiffs, Buell or Amucci, DOCS, Central Office, & Uhler, under the 1483, Rose Defendants had failed duty imposed upon him by State laws (e.g. HALT, Correction 137) & created policy, of practice (T); Dir. 4932, Standards of inmate behavior, & sanction guidelines, Pre-HALT policies remain in effect. Under while Unconstitutional Practices are occurring & have occurred in the Complaint below. (see exhibit)

55. The HACT Act reads as follows: "... the disciplinary hearing process has been revised to comply with the provisions of HACT as follows; made Pursuant to the 2016 MCLC Settlement Agreement with Annucci, & DOCCS. In *Peoples v. Annucci*, supra the Plaintiff in New York State Prisons, had challenged the Constitutionality of Solitary Confinement, the Court stated "Five years after Peoples filed his initial Complaint a historic settlement was reached on behalf of thousands of Prisoners in this class action suit challenging Solitary Practices across the New York Prison system. This Settlement, which I approve today, will greatly reduce the frequency, duration, & severity of solitary confinement in New York State Prisons".

56. This is establishing Burrell injury to the facts of the failure to train theory, against Annucci, Central Office, Ulster, & DOCCS as a municipal. Re governing Statute of UCFVAR, Dir. 4923, 254.15 Tier III hearings; New York State Correction Law 137, & HACT Act; & Senate Bill No. S 2836, is concrete in the particularized in the criteria to conduct a Tier III hearings, & these governing authorities are actual & enacted legislative, imminent, rights afforded to Burrell, not conjecture or hypothetical. The loss of liberty & property interests, as a result of the guilty dispositions, & appellate review, loss of good time recommendations, triggering a Time Allowance Committee hearings, & loss of conditional release from DOCCS.

57. His lack of training, causes his deliberate indifference to Burrell rights, that require reversal, and/or dismissal of Tier III hearings. A. Rodriguez is conducted these appellate reviews, as the SHU Dir. of DOCS, he was appointed to conduct these reviews, by Annucci, who never trained him.

58. Correction Law 137, required Central Office, DOCS, & Annucci and Uhler to employ & operate UCF-RPV, for the Tier III Superintendents, H/O, for the purpose of undergoing specialized training to assignment to full unit & regular specialized training thereafter, or substantive content developed in consultation with relevant experts, on topics including, but not limited to the purpose & goals, of the non-therapeutic environment, trauma-informed care, restorative justice, & dispute resolution methods.

59. Prior to Presiding over any hearings, H/O shall undergo a min of 37 hrs. of training on relevant topics including but not limited to, the physical & psychological effects of Segregated Confinement, Procedural (Due-Process), effects of Rights of Burrell, & restorative Justice.

On or about June 09, 2022, DOCS FEL specialist Sandra Catalano, provided Burrell with governing authority for Tier III hearings, Plaintiff's Burrell was informed that Annucci "... there were no finalized Directives with related materials available to offer".... & that "... available is the two-page memorandum dated March 29, 2022". Never stated, when this two-page memo was mailed to UCF-RPV gave Plaintiff knowledge. mgs, Catalano directed Burrell "... look up and review Bill #32836.

60. Defendant(s) Amucci, DOCS; Union (members), who under direction predicting the consequences of a hiring decision, for Union members, who under direction of their leader to "Don't from they agreed you", based on this inadequate assessment of a record of Subterfuge, Protest, manipulating, Protest, & Stagnation, Obstruction of Justice DOCS as a Policymaker could reasonably conclude that typically obvious consequences of the decision to hire the applicant to a new position would be the deprivation of Plaintiff(s) Federally Protected Rights).

61. This training of Defendant(s), by DOCS & encourage not ignored or used as a Barter to real HAIT ACT. No restriction on services, treatment, or basic needs such as clothing, food, & bedding shall be imposed as a form of Punishment, merely wholesome quality & nutritious food, upon admission, Program & mental health Detachments were required to administer assessments & develop a "ZAP", in consultation with residents, Plaintiff(s) Burrell based upon his medical, mental health, & Programming needs.

62. Such Plan shall identify special goals & Programs, treatment, & services to be offered with projected time frame for completion & discharge from the new Residents. Burrell shall have access to Programs & work assignments comparable to general Population to core Programs & types of work assignments & Population.

63. If Plaintiff Bunell is not discharged from the unit, one from Programs) and one from mental health (Defendants) Staff shall specify in writing the reasons for the determination of the Program treatment, service & correction action required based on discharge. Plaintiff Bunell, is required to be given access to the programs, treatment, & services specified, & shall have a right to be discharged from upon the successful fulfillment of such requirements.

64. All Defendants' non-staff, upon notice & their superiors, are required to undergo specialized training prior to assignments to such unit & regular training thereafter in substantive content developed in consultation with relevant experts on topics, not limited to, the purposes & goals of the non-punitive therapeutic environment training - in forced case, restorative justice & dispute resolution methods.

65. Defendants Ameli, & Utley, deprived Plaintiff Bunell of substantive due-process, due to their failure to train the UCF non subordinate staff. Ameli was required to train UCF non staff in order to legally continue Plaintiff Bunell lawfully, pursuant to the march 31, 2022 Human Alternative(s) along Ten Solitary Confinement Act, New York State Correction Law 137, these statutes created a liberty interest to Plaintiff(s) both in Property & liberty. These arbitrary deprivations, that threatens the does institutional interest & imposes undue administrative burdens.

(page forty-five)

66. Defendants Reginald Bishop; Donald Uhler (herein after UCF-NAV-Admin), imposed the most restrictive environment for Plaintiff(s). The Arbitrary Denials, outside the jurisdiction of the New York State Constitutional Obligatory Bill 2836, had no penological justification.

67. UCF-NAV-Admin., Omission(s) of a HALT Act Curriculum, was a municipal Policy of training certification(s). The UCF-NAV-Admin. delegated to these Subordinates, they are as follows: Eight Building UCF-NAV B-19 button; B-2-32T. (Defendants) (hereinafter members) of the United Brotherhood Union: Herby Officers known and referred to in complaints as P (#8; Bldg; H10). 1st Bldg. Sergeant(s); 8th Correctional Facility.

A-

(Page forty-Six)

68. Defendant(s) Uhler imposed the most restrictive environment for Petitioner. The Reginald Bishop, denied to give Plaintiff(s) Burrell Showers. Bishop stated "Listen, you in the SHU, were keeping our SHU manual intact so spare all that Albany HACT shit, your getting 137 Showers a week if your lucky."

69. The Plaintiff(s) have a Shower inside there cells. That causes no burden on Bishop or Uhler. The Shower is contained in the Counsel, there is no Penological justification in the denial. Correction law 137 entitles US to Showers everyday,

70. Uhler & Bishop, deny Plaintiff Congregational Recreation. The UCF-ARU has a rec yard & gym that the general population utilizes in congregation. The days the general should be allowed to attend rec, the Plaintiff(s) can attend gym, and vice versa. Uhler & Bishop stated "Yeah, right, you will have enter our gym, I bet you would it's state of the art too!"

72. Defendants, Uhler, Bishop, & Hess, imposition of limitation on services & has restraints on Plaintiff Burrell. They never informed Plaintiff of the individual assessment that was made requiring him to be placed in restraints, every-time he exits his cell.

73. These Defendants stated "It's Joseph Noe, he issued a memo, placing you in restraints". Plaintiff Burrell, failed this memo, and it was not located in Docs files.

(Page Forty Seven)

The following are Federal Causes of Action, and
Supplemental New York State Claims:

74. Defendant 1 United Bishop, & Union members, employed at VCF-RRV, refused to be afraid or desecration of Problems; alternative resolutions, there is still unprovoked attacks, by mainville & Hess. The Defendant Hess, has a supervisor who has many as Supervisor required to be present at the June 03, 2022, Pmt hearing June 03, 2022, Hess has no training, & made the final determination without an authorized authority figure. The Pmt was schedule for June 10, 2022, & not June 03, 2022. One Hess, is conducting operations, above & beyond his authority in decision making violating Plaintiff's right of due process.

75. Plaintiff was never officially enrolled into VCF-RRV until June 10, 2022. Defendants were untrained, so they were not diligent in making sure that the Correction Law 137 was followed, upon admission, they conferred an IEP, without the Plaintiff's consent, & without Plaintiff's consent, voluntarily, intelligently, & knowingly waiving his right to be present at the meeting of the IEP, his right to attend group or any of the incentives. (See Exhibit)

76. Plaintiff Bunell, was informed in or about May 31, 2022, by Defendant Hess that IEP, Defendant Baynes, that pursuant to Directive 4040 (201.5); Procedure (LHC) (4) that the Pmt & RRV are all under program decisions.

(Page Forty-eight)

77. These Defendants, Doces, Annucci, Central Office & Uhler were required to review all Prison rules, & that a modification (7NYCRR) 443.25 Standards of Inmate Behavior at All Institutions, & Section guidelines, were required under the March 31, 2022, & Correction Law 137. These Defendants knew & recklessly disregarded the fact that the existing rules constituted improper custom & policies, in Tier hearings, & disciplinary hearings in general, would support liability of Commissioner for instance of improper application of the Pre-HALT Tier hearing policies, rules, & regulations,

78. The Defendants have been aware since November 21, 2022, that new Policies, were required to not amend these rules & regulations, after March 31, 2022 would impinge on Plaintiff's Binell rights to be confined with UCF rules that reasonably related to legitimate Penological interests,

79. The Defendants are deliberately depriving Binell, with Charges of MBR that he never received the rules, nor could Plaintiff be given effective Defense preparation to understand the new Tier hearings Procedures, to raise these objections for Appellate review by Defendant A. Rodriguez & the New York State Third Department, in a Civil Practice Law & Rules, ARTICLE 78 Challenge of the HIO & Rodriguez affirmation and/or guilty disposition sentences. Plaintiff Binell have not been provided with copy of the HALT ACT rules of Doces, & Annucci, Uhler & Central Office is enforcing this, causing liberty & property liberties.

(Page forty-Nine)

80. Defendant(s) Some Nelson, One Fantasy, One Johnson, One Hoss, One Donnelly, One Dumas, Some St. Mary, Sgt. Dearney, Bradsford, Rowe, wa Cro's Delaney, Bond, Devin Delaney, O'Leary, Kame, Nanting, & Many Others. Failed to Properly enroll Plaintiff(s) Burrell into VCF-dm in accordance to Correction law 137, within the conditions of confinement Plaintiff(s) were entitled to rights of service(s), & treatment in accordance to law Regulations.

81. On or about April 13 2023 Plaintiff(s) Burrell arrived with 23 other Prisoner(s) Plaintiff(s) Burrell, from Clinton C.I.F. Plaintiff(s) Burrell signed the static tablet agreement. This agreement entitled the Plaintiff to a min of (4) hrs, with the tablet for Inter alia, therapeutic purposes. Defendants, Uhler, R. Bishop, John Drees, James St's, Bradsford & Bellock, enforced a Policy in VCFdm (Eight Building), of one tablet for two Plaintiff(s) to share for (4) hrs.

82. This ultimately created a hostile environment within the living conditions, Plaintiff(s) Burrell began to fight necessity for using more than two hours allotted to them. Plaintiff(s) suffered from lacerations, broken bones, muscle, & nerve damage(s), & mental anguish as well as additional STV Sanctions under Tier II for Inter alia assault on Plaintiff(s). This was perceived by Uhler, & Annex, refused to comply with state laws & aware of these state created dangers.

(Page Fifty)

83. Defendant Baynes informed Plaintiff, that "there were no RPR rules or HART and Tier listening rights, Baynes" were (etc) using the law...". The Defendants Uhler, Bishop, and Stickney, are disregarding the law, by upholding it's SHU Policy, in defiance of the HART Act of March 31, 2022, this totalitarian dictatorship, was promised to remain UCF-ARMY UCF- SHU.

84. The defendants denied Plaintiff Congregating religious belief or Islam in congregation. Plaintiff suffers from mental health illnesses, and is prescribed mental health medication to cope with these problems. Plaintiff was admitted to suicide watch upon a suicide contemplation on April 13, 2022, his first day in UCF-ARMY, due to a failure to conform to SHU Policies, after 45 Days SHU.

85. Defendant Mental Health, Uhler, Bishop, has not reassessed the Plaintiff Burrell within 14 days & no DMK staff made a recommendation in this regard as required by Correction Law 137(D). Plaintiff is under Sub division (v) of this statute, he suffers from a severe Personality Disorder, this UCF-ARMY causing him to be denied rights, services, & treatment causes him to have frequent episodes of depression, and pulls trigger, he has thoughts of harm.

~~CONFIDENTIAL~~

(Fifty-one)

YAD

The Direct Causal Relationship between the injury
and the violation of the Rico Statute:

86. Plaintiff(s) Burrell grieved being denied & limited on the following services, & amenities, that was prescribed pursuant to Correction Law 137, but Defendants Bullock, Gilmore, Baynes & Utler, are abusing their discretion, their decision-making is arbitrary, Plaintiff for example. On May 12, 2022, Defendants Bullock had Plaintiff to OBS under a false pre-terseive. Plaintiff stated self harm, & ordered Defendants, Rowe, Niles, & Sawyer, to pack up & destroy legal documents. This was 8-132-321.

87. On May 13, 2022, Plaintiff was transferred from the in firming OBS, at or about 9:00 am. He was escorted by Defendant Hastings, who threaten Plaintiff for writing grievances. Plaintiff was brought to 10-C2 437, Plaintiff did not receive his Property until May 26, 2022, upon receipt, he appealed a grievance(s) denial, that were due May 11, 2022 - May 18, 2022. Plaintiff stated the mitigating circumstance of not possessing his Property, these Defendants denied their rights of NYCA 4040.

(Fifty-Two)

88. Defendants Uhler, & Amucci, as well as Central Office (DOCS) are allowing these staff members, Sore Nelson, Sgt. May, Lt. Spinner, & Captain Gordin to conduct Disciplinary hearings on their behalf. Outside the jurisdiction of the Humane Alternatives to Long Term Solitary Act.

89. Defendant Gordin conducted two (2) Hearings on behalf of Uhler, with no training, he informed Plaintiff Burrell "he received none of the new formal training of the hearing procedure, he's reading out the book, to work with him a little bit, because him and Plaintiff are new to this lawsuit."

90. He imposed with no due diligence 90 Days Str and 60 Days loss of good time, & stated "I'm giving you a break basically because the good time doesn't mean shit your in now".

91. Defendant Nelson, was delegated by Uhler, or may be, to conduct a hearing, she stated "my training was not required I've been working here", and that it was "irrelevant", it did not apply to the charges & her ability to find me guilty. She denied me legal assistance, witnesses, & removed me from the hearing, with no good cause "you spoke over me". She then imposed 90 Days loss of Static tablet & loss of good time. She stated "since you like writing grievances, Read having your matter capped here, then loss of that Static tablet will cure that."

(page fifty-five)

The Investment of Said Income:

90. She then stated "Why did you have to piss off Bullock & get mad, I missed you," She gave me a Trier Hearing manual & stated "use this in your appeal. She was missing the platonic relationship her & Bullock developed after filing a grievance. Plaintiff was scared that he may be penalized for this rhetoric. She spoke of a Ruleda PMA.

92. On June 02, 2022, she conducted another hearing, & denied Plaintiff(s) witness, documentary & legal representation. The Plaintiff was imposed with loss of Statute tablet, & the Defendant Bishop & UNW did not afford Plaintiff access to his contact his attorney, & he was entitled to 48 hrs, prior to the re-commencement of the hearing.

93. SORC Nelson with no due diligence imposed 90 Days SHV, & 90 Days of Statute Tablet. Stating "since you like giving up about the tablet, now you won't have one until November, happy now". The Plaintiff was SHV confirmed the hearing was conducted beyond FIVE(5) days. SORC Nelson stated "you man to this block, you've been making alot of calls to your girlfriend, don't deny it, I have your phone logs that's enough were done".

94. On May 12, 2022, Defendant D. Bishop, imposed a Restrictive Deprivation order against Plaintiff Bullock. It was alleged Plaintiff was admitted to Suicide Watch, in the Rev infirmary, & he yelled to Defendant C. Brown "he was going to throw urine & feces". Had Brown undergone the specialized training he would have used the alternative disintegrate method to rectify this.

The conspiracy violated 18 U.S.C. 1962(d) as described
~~below~~ below;

95. UCF-NAV-Admin. stating "you not getting a shower everyday, that's out, you not get shit full you the truth, you, I'm fucking another nigger, I/sv fucku, I tried to stone you like you came from Clinton, no denying your blackness and you went to try and kill yourself your first night here, and a suicide, I said, well let's really not pass the 3rd 4th?"

96.

Plaintiff was informed by UCF-NAV-Admin that the 5th manual was the authorized doctrine of the UCF-NAV, so there (3) shows a weekly kick class as the 1 we should have gotten the HACT over time, and shift, he did not train, why because, Annucci it all later, the Commissioner of the Dept of Comm. Serv. & Docs, needs, US, nobody buy in purchase US, then free until he exhausts the legal system to the State. Created dangers, by untested legislation as HACT

92 The UCF-RRV-Admin made policies to deprive Plaintiff (S) to Provisional rights, treatment, and Services C.e.g. work assignments in general Population. They denied Plaintiff a work assignment as a laundry Party and for Block (8); Rather, a lot of types of work assignments comparable to core programs and types of in general Population. They refused to constitute a Program Committee that Plaintiff is going for did Plaintiff received by Payroll from being enrolled in. Now, this will reflect how UCF-RRV, it's going to work.

98 They stated work-assignments and this is never going to happen but you're gonna kick it.

UCF-RRV-Admin, denied Plaintiff (S) Permission, Plaintiff was placed on Recreation Order on April 19, 2022, this is

(page fifty-six)

99. This John Doe stated "your IEP has been updated & reflect accommodations". Nothing on the IEP, was of Plaintiff's choosing. The John Doe, successfully completed the Plaintiff, pursuant to Correction Law 137, he was entitled to be released to general population, & have his good time restored. He was informed to see the Pmt again on June 03, 2022.

100. On June 03, 2022, Defendant Daniel Hess, conducted a Program Management Team Review, illegal, some statements were required to be there, as well as Uhler, Bishop, & Plaintiff Murrell, to controvert allegations, and produce evidence to be successfully discredited. Defendant Hess denied Plaintiff all his services & goals. Plaintiff had a goal on his IEP "communication for June 01, 2022", this goal was never followed, studied, or ascertained or made mention of at the June 03, 2022 Pmt. Defendant Daniel Hess, stated "Sgt. Mary was not here so we just did it" collectively, as a group of consultants & Sgt. Deeborne^{II}.

101. Defendant Deeborne^{II}, was the Sgt at Pmt, he informed Plaintiff on or about June 06, 2022, "listen this is your third time requesting to speak to me, you do it again, I'm going to have matrix spray you," Plaintiff stated "I thought you had to take alternatives methods in disputes," "yeah, I want to kill you, once is the alternative". Deeborne^{II}, denied Plaintiff Pmt, to refute security concerns, to advocate for a revised IEP, that had goals of obtaining a work assignment, licenses, showers, rec, & good time.

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The following Defendants are employed by and associated with the enterprise, these parties are both the liable person and the enterprise under 1962(c)

102. These Defendants, Dale Hess; Dale Dumas; Dale Donnelly, St. Mary & Sgt. ~~Bearson~~ III, received no training from Annucci, the required specialized training in Correction Law 137. Dale for fair arbitrary IEP she conjured April 29, 2023, was mandated on her own discretion, she never received the thirty-seven of training to formulate an IEP, & to do so without mental health was a abuse of discretion.

103. Defendant Hess, was never trained, to make a final decision on June 02, 2022, to deny Plaintiff Burrell successful discharge from RRV. Defendant Donnelly "updated the IEP", without Plaintiff consent, only consulting the Correction Law 137, requirements, of a projected time frame to coincide with his October 19, 2022, tentative release from Corrections.

104. Defendants Usher, Bishop, and Union members, employed at UCF-RV refused to training required, pursuant to Correction Law 137, to operate a RRV, or delegate hearing officers. Defendant Donnelly, was never trained either to render a IEP.

105. This is not one agent employee, Corrections staff, union members in the UCF-RV that underwent the specialized training required to be employed at UCF-RV. Defendants Usher & Bishop, enforced the HACT Era, the manual policy, protocol, & procedure, & utterly disregarded the HACT Act.

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The Activities of the Enterprise and the Pattern of Racketeering Activity differs from the USUAL and Daily Activities of the enterprise;

106. On May 19, 2022, Defendant Gilmore approached the Suicide Watcher Cell, while under a suicide watch, after the attack from mainville and stated "oh, I don't give a fuck, this grievance is about Bullock covering her fags, & your new rules, listen, were not adopting to HACT, so I'm not processing any grievance pertaining to HACT, until the Union gives me the go ahead, your grievance equates to tissue to me, I can wipe my ass, I don't acknowledge your Actions Requested", and then "I hope you enjoy playing mental health games, I hope your not related to nobody in Buffalo";

107. On or about May 19, 2022, the Plaintiff seeked his grievance heard in a formal grievance hearing. The Defendants Gilmore, & Casse Baynes. Under is ordering the new hearings to be held in absentia. Plaintiff has a right to attend these hearings, as well as Eric Baynes refusal to process grievances.

108. On or about May 17, 2022, Plaintiff was placed in mechanical restraints, & ordered to walk down three flights of stairs with no escort. This is the standard procedure & there is no officer escort to assist the Plaintiff, he has failed on several occasions, I came to Defendant write stated "you, mriow man, did you not read you got to wear state issued boxers to attend program, not wearing go back to your, you want see getting your good time because I know boxers, oh I love my union!! Plaintiff was denied programs on the topic day about scheduling good time, for wearing boxers.

~~Provide~~ The benefit to the enterprise derives from the
alleged pattern of racketeering.

110. On or about May 18, 2022, Defendant(s) Kyle McHale, & Daniels, took Plaintiff's laundry. Daniels stated "oh, shit Burrell, you not getting your shirt back, I notice the hatch, your graving vs not enforcing HACT, your not getting shirt". Plaintiff never received his laundry from these two Defendants.

111. The Plaintiff's being denied religious services, sick(6) hrs. of out-of-cell activity, congregated meals, recreation, programs; Unrestrained, static tablet, low library tablet appearance at grievance hearings, wholesome meals that are nutritious, showers, low library access; work assignments, programs comparable to general population, general library, kiosk, TV's (66), televisions, Hot pot; Extension cords, amicable staff, trained DOC's Personnel, who conducted the specialized training.

112. The Plaintiff is still under the following Deprivation(s) hatch, static tablet; low library tablet; rec; Sheets; blankets; towels; & Paper, & mattress, under the order(s) of Uhler, to deny Plaintiff a defense on June 15, 2022. Uhler, Delegated Defendant to McHale & Locke to placed Plaintiff on paper deprivation to (1) Destroy some Nelson letters (2) Remove all papers, that Plaintiff intend to produce at JAC; (3) To destroy the grievance allowing 8 hours of tablet use, Plaintiff showed McHale June 09, 2022, who wrote Plaintiff a MBX, for refusing to give him the tablet at 5:22 PM to not 6:00 PM even though Policy is 10-6 PM. These Defendant(s) acted on Uhler Order(s) June 10, 2022 & stated "Yeah you will get your papers back when you come back from JAC on the 15th."

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The Activities of the enterprise on Interstate &
Foreign Commerce,

113. The Plaintiff was transferred from the Unit 14; Special Housing Unit (SHU); to Upstate Residential Rehabilitation Unit. On or about April 12, 2022, The Plaintiff was placed in Eight (8) Building. B - Mountain Bottom.

114. On or about April 14, 2022, Plaintiff now in the cell with Plaintiff McHealey; 19T, and both were admitted into the treatment; by signing a Static Tablet Agreement; under the premise that this is a Provision under Correctional Law 137 (NY). Plaintiff shared a Residential Individual Rehabilitation in Group B, with Andrew Hurley as well, and was in my cell; in early and visible circumference

115. On this day date, Plaintiff sought to ascertain the Criteria to demonstrate a qualification release from a DOCs facility upon a fixed or tentative release date.

116. Defendant's / Offender Re-habilitator Coordinator (O.R.C.); Fortain, (M) and Johnson, Amanda were facilitating the class and a recess ensued for facility needs. Plaintiff seen this as an opportune time to make an inquiry, and not be a distraction and cause conflict.

117. Johnson and Fortain, responded to Plaintiff and gestured and stated "Oh, go ahead 'Mr. Burrell', So I informed them of my treatment plan; and what I wanted to establish a Fixed date and good time a credited conditional release. Pursuant to New York Codes, Rules, and Regulations Title Seven (17); 315. (2), (2) he sought to prepare a plan to be discharged to the street as.

118. The Plaintiff informed ORC for a
Bibliography that he was certified as a Paralegal;
Accountant; Insurance Claims Adjuster; and a
Wedding and Event Planner. The Plaintiff
seek how to obtain literature and a
sense of direction, and a Pre-release
Plan; with a Department of Labor Program.
As well as have these desires, placed
in his Individual Rehabilitation Plan
(IRP); with Projected Time Frames to
satisfy a successful discharge, upon a
60 Day Periodic Review, by the Pro-
gram Management Team (PMT).

119. This Team is a Eight Building
PMT, Senior Offender Rehabilitation Coordinator
(SORC); Nelson, Tracy; ORC Farnham; ORC
Fye; ORC Johnson; ORC Ben Facher;
Comprise of a Constituent; Civilian
Staff. These staff, are required
under New York Correction Law 137, to
under go a specialized training.

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120. Then, Plaintiff made a request on
those Acts; Legislation Amended Docs;
Statutes. Plaintiff requested assistance
in his eligibility of the Criminal Bill No.
8077, Sanction Impact Act. ^(See Exhibit) This Act went into
effect January 24, 2022, Introduced by
Sen. Clever. These Defendants' Advoc-
Civilian, held a group session, and Plaintiff
made an "save out of it" stating "were
waiting to see how our family is going to
win these class actions, and have no more that that."
So you let me know when you can ask
a more serious and realistic question?

121. Therefore, Plaintiff made a
request. He wanted to obtain Residential
Rehabilitation Rules, and the that Act provisions.
Also, he requested for the Amended NYCCR of
Directives, January 19, 2021, Senator Mue
a Albany introduced this legislation.
The Passed Bill No. 2395 "replacing all
instances of the words inmate or inmates
with the words incarcerated individual(s)."r

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122. These Defendants stated "Johnson (ORC);
your starting to bore me with your questions".

Plaintiff asked the Directive 4932;

The Hearing Directive; and the MRU-Directive.
that all bear incarcerated individuals.

123. Plaintiff wanted all the Amended
Laws that replaced inmates with incarcerated
individuals. ORC Fountain stated "Yeah, like
it makes no difference your inmate".

124. Plaintiff, then became perplexed by
these ORC's conduct; and it appeared
they never undergo a specialized training
in trauma-informed care; a minimum of
thirty seven hours off duty. Pursuant to (CC)(137).

125. Plaintiff inquired if this was true,
by requesting if Johnson or Fountain reading
(CC)(137), and Read Bill No. 2836, introduced
January 25, 2021, by Senator Zala, this was
to increase "my form of confinement for more
than seven hours a day". Whether or not
was Plaintiff going to be provided with
conditions of confinement of Bill No. 2836.
(Page sixty-five)

126. Mr. Fountain and Johnson, yelled "No, were not doing that new shit until we get a decision on our families class Action to remove halt," Then raised there hands to signifying a Correctional Officer. Defendant Daniel Rabideau, then intervene and stated "No, were not were telling the V?state Special Housing Unit manual, Yur guys wont be attacking US, Fuck Hochul, Vhler said Amexci is back us." Matter feet enough of yu go back to yur cell, Plaintiff was escorted back to 8-19B.

127.

Defendant E. Fountain, Johnson, and Rabideau, filed Negative Informational (5), into Plaintiff Pmt File, making it a viewable document in the 60 Day Periodic review. Fountain then stated the next morning April 15, 2022, "Yu ask yur ORC in the block, this rrv, Yu need Phase III Transitional Services, Yu not getting that from me I'm not train to help Yu with the rrv community releases, we only know how to do in centerpiece for now, I can get yu a package, or get yur Secretary suspect to get commissary. Plaintiff, stated "I would like a work assignment and a Program Capable to General Population. (CC) C137.).

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128.) Nathan continued "Or you can drop it, you not a acco intent; or moral legal, so sorry, I kind it had to be saying a lie bigger; muslim like you, Piz, okay, and in Kim Kardashian" being sarcastic.

129. Or or about April 21, 2022, the UCF-NCV; Advance Supervisor Detecat Cassie Beynes (hereafter IARC), informed Plaintiff that "... we are using (sic) the law ...". The statute ^{in question} is (66) (37):

130. Or or about April 17, 2022, Detecat Kevin Durant, gave Plaintiff (S) Burrell a megaphone on static tablet. Plaintiff Burrell requested how the tablet, then ~~detecat~~ Kevin Durant

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(Page - Sixty-eight)

(See exhibit)

that the site manual is practical document
137; as of March 31, 2002, as beyond 13

To negotiate the Amendment to Contract has
Modification of Conditions) or Contract

Depart of Security Made all the Policy
and Region to Bishop, Supervisor

Headquarters Superintendent Donald Williams

Assigned at US State 1309 1309 1309 1309
CEO of US President of Commercial Services

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32. On or about April 25, 2022, Plaintiff(6) Burrell filed a grievance about the static tablet, & the atypical & significant hardship he suffered. Being placed in 8-B-193 (VCF-KAW) with Plaintiff Miguel, Lin & Plaintiff would fight each other while they sleep over who uses the tablet first while they sleep over each other, for approximately 2-6 weeks they continued attacking each other.

133. Plaintiff(6) Burrell was then moved by Sgt. Bullock, into 8-B-324, with a Plaintiff Joe Darnell, who was 6'2" in height & 245 Pounds, Plaintiff(6) was a mere 155 Pounds. Plaintiff(6) Burrell & Darnell, began to fight as well, causing each other physical injuries as well. On or about May 13, 2022, Plaintiff Burrell was moved to 10-C2435 VCF-KAW. Where (2) two static tablets were issued to each Plaintiff(6) in a cell, & during all hostile & invidious behaviors over the static tablet. PMS was at 10-Building, Policy in VCF-KAW; but the only Building out of (6) Buildings with a low-cubing Policy to an extent.

134. Plaintiff(6) Burrell still never received (4) four hours, 10-Bldg. Policy was from 3-5 PM; Lower Tier & 5-7 PM Upper tier, & interactions with the lower tier, but never the full four hours, even though the Defendants, Deerhorne, John Does could have provided the tablets at the 7-3 Shift for (4) four hours, & 3-11 Shift (4) hrs. the tablets are readily accessible with charges within the block, & the Program(6) on the tablet if completed SMS Plaintiff(6) Burrell (in-centives).

(Page Sixty Nine)

35. These attacks, fights, and rage, was during the muslim holiday Ramadan, & Plaintiff's Burell religious muslim faith to belief were violated due to, however Uhley, Dearborne, Bullock, & Brewster with reckless ness in a hostile policy.

136. Plaintiff's Burell, were never able to receive an incentive, due to the Policy of the static tables within UCF-KAW in a totality.

137. On or about April 25, 2022 Plaintiff's Burell filed a grievance pertaining to the Atypical & Significant hardships. Plaintiff's Burell had a protected rights to services to treatment in CAV. No Plaintiff's in the custody of DOCS-UCF-KAW, shall be subjected to degrading treatment & no officer or other employee of the DOCS-UCF-KAW shall inflict any blows whatever upon any Plaintiff's.

138. Plaintiff's Burell, was entitled to sleeping accommodations in a separate cell or room, where known to be a sufficient number of cells. Defendant Uhley K. Bishop, & KAW's C.O.'s & Sgt, are placing Plaintiff's Burell, in Double Bunk cells, where there was sufficient number of vacant cells, the entire (9) Nine Bldg. is empty that's over 400 cells available, the entire (11) Eleven Bldg. is at 25% capacity, the A-Company in (8) Eight Bldg. was available on or about April-May, 2022, yet Plaintiff's Burell, Demurel, & megaray were double bunked. The entire A-Company is (8) Eight Bldg. is empty & Plaintiff's Burell is double bunk with need to lounge, fight and assaulting each other as well.

139.

In April 29, 2022, Plaintiff was deceived, coerced, & signed his Individual Rehabilitation Plan. The Plaintiff did not knowingly, intelligently, & voluntarily sign the IXP. Plaintiff objected to the IXP, because it failed to contain his treatment needs or release to the community, or redeeming his good time. Defendant Fontain, Johnson, & Nelson, "were not trained to release you or redeem your good time, we don't know how!"

140. Plaintiff Burrell, informed ORC Fontain that the Office of mental health was required to meet with Plaintiff and participate in Plaintiff's Burrell MHU-Program. Plaintiff also noted he wanted to a work program. He informed Defendant Dumas, he wanted & need ASAT & AAT. She stated that they "don't offer these programs, I would have to take them in Population."

141. The Office of mental health, never met with Plaintiff at all, during his entire tenure of his MHU-Program. The goals that were set were entirely conjured by Defendant Fontain, & were entirely of her imagination of the Plaintiff IXP. Nothing mentions, obtaining Accounting & Insurance Claim Adjuster licensing or good time credit.

142. On April 29, 2022, Plaintiff received a Satisfactory due to "Began new with Program Participation & a Classroom removal ill. Has improved behavior & has submitted written Projects". This was done by a John Doe Defendant, who gave Plaintiff satisfaction receiving at bare min. a incentive. (see Exhibit)

(Page seventy-one)

The violation of 18 U.S.C. 1962(a):

143. On or about April 30, 2022, Defendant(s) Bullock approached my cell smelling of alcohol & methamphetamine. He was conducting a grievance interview, he stated "I don't give a fuck what you're grieving you stupid nigger, making my neighbors how about you smoke this gun, I don't like your bullshit."

On or about May 04, 2022, Defendant Nurse Lashway conducted a medical evaluation stating "Oh, you the PFERA guy, my family told me about you, does the name Lashway sound familiar?" She then made derogatory remarks about a cut on my neck, stating "Neck pain is probably from that scar? you drop that lawsuit in Clinton, or my Lashway then you'll get medical attention." She smelled of alcohol, & Cannabis, stumbling, visible drunk & under the influence. Plaintiff filed a 1983 on a Lashway in Clinton.

144. On May 12, 2022, Defendant(s) Bullock, Niles, Swayer & Rowe covered their name tags & Rowe did not wear one at all. Defendant Bullock was instructing Niles, Swayer, & Rowe to pack my cell up, find the grievances, and have me admitted to suicide watch, fabricating I wanted to harm myself. He ordered me to be moved to 10-C2-435 cell, from 8-B-321. And legal work destroyed.

145. On or about May 18, 2022, Defendant Osborne, denied Plaintiff Klu-Program, he covered his name tag & stated "Sgt Bullock already told us who you are nigger, you not going nowhere, & you were fucking Nelson", Plaintiff responded "that in your training," he responded "were protesting that H&A shit fuck training."

The Damages Sustained by reason of the violation
1962, indicating the amount for which each
defendant is liable:

146'

Plaintiff was issued a Tier III MBE, Prior to the conclusion of the hearing, The Bishop, placed a fuck up deprivation order on his cell door, to signify Plaintiff is an "asshole & write grievances": The hatch still remains at Plaintiff door.

147. Defendant Bishop, who delegated Sgt. Rome to tell Plaintiff Burrell "Bishop said he don't give a fuck about Correction Law 137, & there no being deprivation order(s) in REV, he does whatever want".

148 On May 13, 2022, Defendant(s), Hastings(s), was escorting Plaintiff from suicide watch and stated "Oh your the muslim, uhler, wa then said we grievance us about not following HALL, I dare you to come off the wall". Defendant Hastings(s) then came to Plaintiff cell on May 19, 2022, & attempted to bend Plaintiff wrist when applying handcuffs, Plaintiff yelled in pain, Hastings ordered compliance, Defendant Sgt. Spinner yelled "Listen motherfucker, here cutting you up according to uhler & Bishop, you got a problem grievance me".

149. Hastings(s) took Plaintiff Covid-19 mask, & used this as a tactic to smash me in the face. Once in the Sally Port en route to the infirmary to see mental health, Defendant Mainville rammed me into a corner, & Hastings(s) inserted his fingers in Plaintiff anus, this was unprovoked. Sgt. Spinner did not stop

or intervene, She said "Burch shut the fuck up." She wrote the MBE, stating I assaulted Mainville, conducted the Plaintiff PREAM, and the various incidents various conflicts of interests

(Page Twenty-Three)

The Injury to the following business and Property;

154. Defendants Arance, Uhler, Duccs and Varian members are required to Post the UCF-
 raw Data on the Duccs website, Plaintiff
 Burrell grievance was denied as non-
 grievable

155. Plaintiff appealed to CORE, and
 the State Commission of Corrections, and the Office
 of the State of New York Attorney General.
 Defendants Uhler, Bishop, and Nelson placed Plaintiff
 in Prison deprivation for reporting his grievances
 being denied

EXHAUSTION OF ADMINISTRATIVE REMEDIES

156. Plaintiff exhausted his remedies,
 written grievances, see Exhibit (54), Plaintiff
 appealed grievance denied,

When grievances were ignored Plaintiff
 contacted outside governmental agencies,
 with a Summary of the Complaints to re-
 questing for Defendants, Arance, Central Office,
 to stop the deliberate indifference,
 recurring in UCFraw, by Uhler, Bishop, & Hickman
 (Page seventy four)

Plaintiffs Burrell & Adren Farley who was in 8-17 cell of Warden. They were entitled to be supplied with a sufficient quantity of wholesome & nutritious food. The Food Service Administration (Lt. Boice etc. Defendants) with no focus has a tritech of Portions served small, med & larger.

151. Plaintiff Farley & Burrell, were not fed quantity of wholesome or nutritious foods at all. Farley, commenced a hunger strike on or about April 16, 2002, until about April 30, 2002. In protest of the inadequate food portions or nutritious. He was provoked with a hunger strike when Uhler, & Boiley & his co-workers (Defendants), conducted a supervision tour on 8 May, Classroom #2.

152. Defendant Lt. Boice stated "Listen me to Donald (Uhler) already state, you guys are getting just enough food to survive, that's all requested under the 8th Amendment look it, & plus if you go look up Johnson & Uhler, you nigger know it all niggers, like you challenged us over leftovers, & guess what he can find you rebutted leftovers, & will continue to do so, enjoy!"

153. Uhler addressed Burrell & Farley, he stated "I'm going on a hunger strike", Uhler response was "I don't give a fuck, I've been doing this 30 years, I have seen more die from a hunger strike, go to the infirmary, speak with a judge, won't change the 5th manual I'm still enforcing, Arrucci, & the Union said I got time to wait, so I'm going to keep running it fuck HALL, I have over 535 Federal 1983 suits in the Northern District & I still do what the fuck I want. So go on a

Hunger Strike

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STANDING INJURIES IN FACT;
 STATE CREATED DANGER; FAILURE
 TO TRAIN THEORY; MUNICIPAL
 LIABILITY; DUE PROCESS;
 ACCESS TO THE COURTS; DUE-PROCESS
 JUDICIAL; EQUAL PROTECTION; AND
 ATYPICAL AND SIGNIFICANT HARSHNESS
 CONDITIONS OF CONFINEMENTS.

157. The United States Constitution Article III, the doctrine of standing gives meaning to these constitutional limits, by identifying those disputes which are appropriately resolved through the judicial process. The conditions of confinement of DOCS, has been identified in *Peoples v. Amucci*, 180 F. SUPP. 3d 244 (US SD NY 2016) and the NYCCU Settlement.

158. Plaintiff Bernell has demonstrated constitutional minimums of standing, his statement of claims, meets (i) suffered injuries; (ii) that is directly traceable to the challenged conduct of these Defendants, and this complaint.

159. DOCS, and the Union, are the moving force, causing Plaintiff(s) Bernell injuries, causing them to be liable as municipalities, under the 11th Amendment rights pursuant to the U.S. Constitution.

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160. Defendant(s) Annucci, North, Dolles, Thomas Hunchy, Donald Uhler, D. Bishop, Union, and its member's. Are involved a Conspiracy and Dolles and the Union are Co-Conspirators, Arbitrary and invidious, Discrimination against Plaintiff(s), due to there disciplinary and Dolles Computerization and Categorization as "violent offenders," using its COMPAS algorithm with a Point System. The refused to provide Plaintiff(s) Burrell with the rights, services, and treatment, that New York State officials, are Constitutionally obligated to provide The HACT Act; NYCHL 9; and Correction Law. There is no rational basis for the discrimination and deprivation of these rights and the statute legislations except the invidious and discrimination of the HACT Act, being implemented, these Defendant(s) Discrimination, was not supported with any evidence, or justification.

161. In or about November 21, 2021, Defendant(s) were heart felt and adamant, that due to HACT violence will occur in Dolles now, to "on risk" imminent to harm to Correction Officers and Correction Sergeants because they (Dolles) and (Union), will be unable to separate the dangerous incarcerated individuals Plaintiff(s) Burrell, from staff and the law abiding incarceration individual(s) population. The Kev-UCF, is qualified and vetted Dolles facility. Plaintiff(s) Burrell, upon arrival, are required to undergo an assessment by Ombuds and the OLC's, and medical staff, and cultivate an consensus with Burrell a Individual Rehabilitation Plan.

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V. STATEMENT OF CLAIM

Plaintiffs Burrell allege and incorporate by reference Paragraphs 1-157 herein.

162. At all times relevant herein, defendants were "persons" for purposes of 42 USC Section 1983 and acted under color of law to deprive Plaintiff Burrell of their constitutional rights as set more fully below.

163. The following are the civilian RVN-ULF staff in their individual and official capacities: Nurses; recovery officer/rehabilitator coordinators (CORE); COOKS; Laundry; Vocational Instructors; Chaplains; Food Service Administrators; Grievance Records; Mental Health; Accounts; Streets; Life and Clerk.

164. These are the following Parties, who are Perpetrators alleged and incorporated by reference Paragraphs 1-

herein. Depicted as ULF-RVN staff: Teachers: Hope Allen, Kimberly Group-Festo; Jessica Gilmore; Tami Gray; Laura Johnson, Charisma Claude Bush; Todd Rochelleau; Patricia Schwartz; Robin Wolfing; ORCS: Tenna Burke-murphy; Lori Campbell; Carrie-Saumier; Melissa Cook; Jessica Perry; Samantha Donnelly; Cheryl Dumas; Jessica Dumas; Sean Raucher; Michelle Fontaine; Lisa Hamak; Daniel Hess; Amanda Johnson; Chelsa Labare; Erika Marshall; Tammy Martin; Taylor Perry; Laurel Preno; Megan Scott; Cindy St. Hilaire; Laura Stone; Courtney Struter; Willer Tabb Jr.; Kristy Tripp; Tracy Nelson; Rachel St. Mary; Catherine Cook; Vitaline LaPage; Sarah Herlow-Anelini. RE: Anes Pomas; Daniel Gowen; Augustu Dupra; Mark Ives; Charles Marshall; James Rafter; Ranas Tothway; Chad Page; Taylor Merry; Bruce Patterson; James Stockwell; John Tind; and Daniel Whitney.

(Page Twenty-Eight)

PUA: Allen Russell; IGP: Cassie Bango; Sheri Debyan;
 NURSE: Heath Baker; Robin Beach; Joana Bein; Sylvia
 Biundo; Diane Cury-Dingle; Kimberly Clark; Kristy
 Clark; Teresa Dwyer; Patricia Durant; Mark Harman;
 Breda Holcombe; Barbara Hudley; Victoria Diner; Amber
 Caswar; Denise Reome; Deborah Shipman; Nicholas Storgen;
 Chelsea Storgen; David Thaler; Elizabeth White; Gerald
 Wilson; Cosette Witty-Lewis; PROGRAM AIDE: Mary Bilow;
 166. ASAT: Gwen Johnson; Hayley Fye; Marlow-Humelin; Courtney
 Strecher; COOKS: Justin Boice; Gerald Boice; Klerstin
 Decosse; Kevin Cook; Christina Labore; Carol Labelle;
 Pamela Labrake; Jennifer Bare-strel; Nicol Byer; CACC
 IAC: Jennifer Dumas; Donna Mainville; Office Assistants:
 Lisa Buse; Jennifer Bustelli; Nicol Byer; Bill Bridgell;
 Bradash Tany; Wilica Carter; Kylie Cramer; Carol Davies;
 Layla Davies; Gregory Rustic; Anna Coriackey; Julie
 Hungerford; Lynn Jock; Karen Johnson; Jen Lyget; Tasha
 Martin; Heather McWhitney; Thylor Pelore; Lori Poupore;
 Shivan Ramos; Jay Keno IDS; Amanda Richards; Heather
 Rollad; Judi Lynn; Shaty; Stephanie Stelly;
 Erin Smith; Maria Spinner; Bethany Taylor; Ceta
 Thomas; Nastasha Wilson; Vocation; Ani Boyka; Robert
 Bockney; Rich Cunn; Terry Collins; Tampa Debyan;
 Peter Terenz; Michael Fraser; Mandy Josephs;

1675 Henry Wilson; Kane Wood-worth; V.F. the Policy makers;
 Reginald Bishop; Donald Uhler; Lisa Stickney;
 Denise Boyer; Stacy Pelkey; Linda Quinn; Jennifer
 Terrill; Debra; David Dartsse; Bethany Hurle;
 Cheryl McEggar; Patti Robertson; Carl Chamberlain
 Seth Cokin; (Cherians).

STATEMENT OF CLAM

Plaintiff alleges and incorporate by reference
 Paragraphs in 1-157 herein.

168 At all times relevant herein defendants, were
 "Persons", and "DOCS"; "DOCS"; NYU-security; DOCS-
 NYU-Civilian-Staff" and "New York State Corrections
 Officers and Police Benevolence Association, Incorporated
 "Union) for purposes of 42 USC section 1983 and acted
 under color of law to deprive Plaintiff's sum of
 their Constitutional rights, as set more fully below.
 169.

The following are the security Personnel, that
 constitutes DOCS-NYU-security, as in their individual and off-
 icial capacities OSI (Commissioner; Deputy Commissioner);
 Facilities Operations; Commissioner and Counsel; Administration,
 Program Services; Security Staffing; Libraries, & Law Library; Labor
 Relations; Industries; Education; Ministerial and Family;
 Mental-Health; Guidance and Counseling; Special Housing
 Director; These constitute DOCS defendants. These following
 subordinates of DOCS in their individual and official
 capacities as NYU-security; Correctional Officers; Sergeant;
 Lieutenant; Deputy Superintendent of Security; Superintendents;
 Hearing Officers and Captain(s).

170. The following are the members of the New York State Correctional and Police Benevolence Association, Inc. in their individual and official capabilities as: members; leaders; President; Vice President; Union representatives; Delegates; Attorneys; Board members; and Share holders; these are the Defendants who constitute the "Union".

171. These defendants was and willful participants in joint acts with DOCS and its agents.
C.O.s; Sgt's; Lt.; Captains: W. VCF-NAV; Correctional Officer NAV- mainly male etc. Daniels; Hastings, Petrasch; J. Mathis; O'Bourne; Watkins; Delaney Devoy; Delaney Brady; Miles, Kathy Swager, S. Dumas; M. Dumas; C. Durant; C. Browne; J. Rose; Kilgus; Trowbely; Powers; T. Parent; G. Ortegoco; Sgt's: S. Pinner, Bullock, Alexander; Rome; Lt. Gilmore; Captain: Cardin; DSS R. Bishop; DSP Strickney; AS DSP D. Boyer; Superintendent Donald V. Lee.

172. New York State Correctional Officers and Police Benevolence Association, Inc.; Thomas Hamel, Coley; Hayes; Erika Mesner; Ken Montgomery and Sarah Thompson, are the defendants Union members in the Complaint.

73.

Defendants) Kaylor Malotte, denial of laundry services; Defendants) Osborne, Sgt. Bullock, Niles; Delaney, Sgt. Dear Bone denial of Programs as retaliation in support of SARC Nelson, violated Plaintiff Burrell 1st; 8th; & 14th Amendment Rights; Pursuant to the U.S. Constitution.

174.

Defendants) Hastings and Mainville assault on Plaintiff Burrell in the (10) Bldg. Sally Port, Hastings) Penetration into Plaintiff Anus, while Mainville Choked Plaintiff and forced him into a wall. In further retaliation from Hastings) May 13, 2022 threats to Plaintiff that "he would get him"; Defendants) Uhler, and Sgt. Bullock, Placed a "hit" on Plaintiff because of writing grievances; being muslim and African American. This was established May 13, 2022 when Bullock and Plaintiff admitted to OSS on a false Pretense. Defendants violated Plaintiff 1st; 8th; & 14th Amendment Rights; Pursuant to the U.S. Constitution.

175. Defendants) Sgt. Spinner and C.O. Petraschne, ordered Plaintiff to stick his hands out, and application of handcuffs, at the request of C.O. Hastings, to assault Plaintiff. Spinner and Petraschne did not protect or intervene in this assault but Hastings and Mainville Sgt. Spinner conducting the PREA investigation; writing the Unusual Incident, and writing a Tier 1 MBR, to cover any reprisal Mainville or Hastings may incur, due to Plaintiff PREA, being impartial, due to conflict of interest. Violated Plaintiff's Burrell 1st; 8th; & 14th Amendment Rights; Pursuant to the U.S. Constitution.

Defendants 1 Annucci, Uhler, and Union, refusal to train
these two mainville, Hastings

176. This Plan Sets goal(s) for Plaintiff(s) Buell to accomplish in a Projected time frame, to be discharged from the RRV, or successful PMT RRV discharge, Upon Completion of the IRP. The UCF-RRV admission Procedure is an incumbent policy to Plaintiff(s) and Defendants. Buell received a disciplinary SHU Sanction at Clinton C/P of a guilty Truth hearing disposition where "law-abiding" ill, so an infraction by a once-a law-abiding" ill, so infraction this oxymerony that results in SHU, now because of RRV-UCF, after fifteen (15) SHU days, is placed in RRV, pursuant to HACT, where within 60 days a review of completion of the IRP Plaintiff(s) can be discharged into general Population with all Sanctions(s) suspended, and good time redemption and/or be released to the Community so there is only one class of Plaintiff(s) in RRV-UCF, and meet HACT Act, Correction Law 127, RRV Criteria, they are classified as violent, who are in the UCF-RRV, due to disciplinary sanctions imposed, due to bad behavior in general Population, that a hearing officer, determined for the safety & security of the facility. Plaintiff(s) Buell, be placed in SHU, after 15 days, UCF-RRV, (04-12-2022). The Defendants' Preconceived notion of separating class(s) of law abiding and dangerous (ill) is not a justification or a Perological interest to deny Plaintiff(s) Buell, rights, services, and treatment(s).

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179. The HACT Act as NYCCNY Correction Law, has no foundation the denial is an unsupported one with any law(s), and is meritless and no a real theory to be entertained by Plaintiff. Due to the simple fact the only way Plaintiff or any Prisoner he would have to be deemed "dangerous", A Comparison to a general Population ill, Because now UCF admission, requires SHU Sanctions, as well as the Laws. Therefore there is only one class of Plaintiff(s) in the UCF-prav, they were considered "dangerous" by Preceding Does Hearing Office who issued a SHU Sanction, Defendant(s) Instruction, that Kathy Hochul Charge them to deny Plaintiff(s), because they feel that Keri's are extremely dangerous, and will keep frivolous Court Complaints to repeal it. Once these Defendants exhaust all there judicial remedies, then Plaintiff(s) Burrell, will not be offered with HACT; Correction Law; & NYCCNY Prisoners(s) under New York State Constitution This egregious decision and Policy making, violates Plaintiff(s) Burrell, 1st; 5th; 8th; & 14th Amendments(s), Pursuant to the U.S. Constitution.

180. Defendant(s) Uhler, Bishop, and Stickney were deliberately indifferent to Plaintiff(s) Burrell access to the media. Burrell owned no (phones) to listen to radio, Defendant(s) provided him used and broke head phones. Defendant Uhler, Clerk Karen Wood refused to provide Burrell with any books, periodicals, per a written request. Defendant(s) Uhler, Bishop and Stickney & Plaintiff(s) Burrell denial of all out-of-cell activities; iPad Fire Tablet; that offers free Newspapers to access the media. Burrell has no other means of media access, he is indigent, he is entitled to all his Property, unless it is a security danger to UCFACU, the 12 Bldg of UCFACU, Possess iPad Fire Tablet, therefore intentionally depriving Plaintiff(s) Burrell. Violated Plaintiff(s) 1st; 8th; & 14th Amendment Rights, Pursuant to the U.S. Constitution.

181. Defendant(s) Deprivation of Plaintiff(s) Property, Hot Pots, Television, quantity wholesome and nutritious food, Packages, religious services; Period groups; Grievance hearing(s) attendees, out-of-cell activities for sit hour per day; five (5) days of Programs led by Poles. Deprived Plaintiff(s) Burrell Liberty interest and Property interest, Uhler Bishop, Amucci, Uhler, and Poles, Caused Plaintiff(s) violations to his 1st; 8th; & 14th Amendment Rights Pursuant to the U.S. Constitution.

182. (Defendants) Uhler, Amucci, Dells, Bishop, and Under, total deprivation of exercise and recreational opportunities, and the denial to access UCFRAC gym and rec yard to Plaintiff (Burrell), the totality of conditions pertinent to the right of exercise at UCFRAC, under Correction Law 137, elements of Congregate rec, and a minimum of one hour for which Burrell, received no recreation and was and is confined all hours each day, since April 19, 2022, rec deprivation with no Penological justification as to why. Violates Plaintiff Burrell; 1st; 8th; & 14th Amendment rights, Pursuant to the U.S. Constitution.

183. (Defendants) Uhler, Bishop, Deprivation orders of Toilet, Rec; Paper, sheets, blankets, towels, and food up later was a typical and significant hardships, by imposing these deprivations to deliberately differentiate Plaintiff from being prepare for JAC June 15, 2022, and emotionally distressed. These Deprivations violated HACT Act; (CL) 137. These deprivations went from May 13, 2022 - June 24, 2022. Plaintiff was Deprived the Place from June 02, 2022, until June 16, 2022, for no Penological justification. Violating Plaintiff Burrell 1st; 8th; & 14th Amendment rights Pursuant to the U.S. Constitution.

Defendants Uhler, Bishop, Nelson, Gordin, St. Mary, Annuci, and Union, H/O of UCF-Ray, the spinner. Delegated Subordinates to Conduct Commission and Superintendent Tier Hearings at UCF-Ray, without the specialized or substantive Content developed in Consultation with relevant Experts, on topics including, but not limited to, the Purpose & Goals of the non-Punitive therapeutic environment, trauma-informed Care, Restorative Justice, and dispute resolutions. Prior to Presiding over any hearings, all hearing officers shall undergo a minimum of Thirty-seven (37) hours of training on relevant topics, including but not limited to, ^{the} Physical and Psychological effects of Segregated Confinement, Procedural and due-Process rights of Plaintiff Burrell and Restorative Justice.

Under the Constitutionally obligated HALT Act, and Correction Law 137, Authorizing Defendants, Rebell and Refusal to train, to provide Plaintiff with MORA 7 DIR. 4430, and Published Rules, and Regulations, Institutional Disciplinary rules, or the HALT Act, they refused to give Plaintiff the rights of the Contemporary HALT Era Tier hearings. Violated Plaintiff Burrell, 1st; 5th; 8th; and 14th Amendment Rights Pursuant to the U.S. Constitution.

185. Defendants Annucci, Noeth, Docks, Uhler, Bishop, and Union, as well as Oric Fey, Oric Danelly, Oric Demas, Hess, Sore Nelson, Sore St. Mary were deliberately in different to Plaintiff(s) Burrell, State-Created Liberty interests, through the New York State HALT Act; Correction Law 137. Created mandatory rules and regulations to govern disciplinary proceedings, requiring Defendants to train, Prior to Presiding over Tier Hearings, and making good time credit loss decisions.

186. Defendant A. Rodriguez Oric Sore's Plaintiff Burrell appeals of Tier guilty decisions, from UCF-Ray, Defendants to provide Plaintiff with the rules and regulations of Tier hearings, leave errors, and defects unobjected too, rendering the appeal merit less, as

(Page Eighty-seven)

187. Well as, leaving the decision on preserved for appellate, or Supreme Court; Civil Practice Law and Rules Article 78, jurisdictionally disturbed, to challenge the guilty decisions, but not raising objection in the appeal or record, due to Defendants deliberate indifference to truth before presiding over hearings, and presiding Plaintiffs, with HACT doc notes, that replace inmate with incarcerated individuals, causing atypical and significant hardships, violating Plaintiffs' 1st, 5th, 8th, & 14th Amendment rights, pursuant to the U.S. Constitution.

188. Defendants ORC Hess, ORC Dumas, ORC Neff, SARC St. Mary, ORC Fye, ORC Faucher, Stickney, Uhler, Bishop, and Stickney, Sgt. Dearborne III, refusal to undergo the required specialized training to cultivate a law-abiding assessment of Plaintiffs' Bureau III (IRD), with an established projected timeline to complete this plan, and be successfully discharged from KRU into Population or society, after a Post 60 Day review. Defendants' Amucci, Noels, Docus, Uhler, Bishop, and Union, hiring, employing, and delegating these untrained subordinates, without the specialized training, to effectuate the HACT Act, and Connecticut Law 137, sole "rehabilitation" objective. They refused to place Plaintiffs, Paralegal Accounting, Insurance Claims Adjuster, wedding & Event Planner, Securities Essential Exam Prep test, Series 63 Prep exam, and Series 7 Prep exam, and prevent the satisfaction of the 60 Day Post review to be released into Docus Population, and into the community, violated Plaintiffs' 1st, 5th, 8th, & 14th Amendment rights pursuant to the U.S. Constitution.

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Defendants: Annucci, North, Doez, Uhler, Bishop, ORC Hess, ORC Amas, ORC Dornely, ORC Denny, SOIC Nelson, and SOIC St. Mary, Deprivations of Hall Act, Correction Law 137, KAW Programming Services, and treatment, rights, to Congregate, in Out-of-cells activities, Unrestrained, Caused atypical and Significant hardships, from April 12, until June 23, 2022, directly affecting the Program requirements, opportunities, to be discharged successfully from the KAW, on a 60-day periodic review, into General Population of the Community, with good time loss restored, loss of Privileges, sanctions suspended, and a Conditional release from IDOCs, these Deprivations, violated Liberty and Property Interests, in State Created Policies. Violated Plaintiff(s) Burrell, 1st, 5th, 8th, and 14th Amendments, Rights Pursuant to the U.S. Constitution.

190. Defendants: Uhler, J. Boice, G. Boice, L. DeCosse, K. Horne, Calabrese, and P. Labre, Refusal to provide Plaintiff(s) Burrell and Andrew Farley with a supply of a sufficient quantity of wholesome and nutritious food, under the Hall Act, and Correction Law 137. With toddler Portions, Consisting of 300 rice grains, and 20-25 Pasta noodles, no bread, no juice, and no desserts, from April 12, 2022 - June 23, 2022. Defendants: Uhler, J. Boice, G. Boice, L. DeCosse, K. Horne, Calabrese, and P. Labre, decision to create their own Policy, with the objective "give you just enough to survive, like we've been doing since 1999, fuck Michael and Hall Act I got over 535 convictions in Northern District sue us" Causing Burrell lose 42 Pounds, and Plaintiff(s) weight loss ranges 40-60 Pounds, due to Defendants Refusal to feed a quantified meal, violated Plaintiff(s) Burrell. 1st, 8th and 14th Amendments, Rights, Pursuant to the U.S. Constitution. (Page Eighty-Nine)

19. Defendants Annucci, North, Dole, Uhler, Mainville, Gandy, St. May, ORC Pumas, ORC Hess, ORC Fontain, ORC Johnson, ORC Fye, ORC Fournier, Gore Nelson, Stetney, and Bishop, deprivation of Plaintiff Good Time Credit Allowance Course Curriculum to secure a October 19, 2022, Good Time Allowance release from UCF-RPV; Successful discharge into the Community. Uhler, Annucci, North, and Bishop, ordered Defendant N. Locke, and Mainville, to place Plaintiff Burrell on Paper Detention, with a fabricated Obstruction Visibility MBR. To deprive Plaintiff of a defense agency to contravert TAC allegations, and to destroy correspondence evidence of Gore Nelson, and Plaintiff Burrell Potentially relationship, Defendant Gordin, arbitrary to deny Plaintiff (1) Year of Good Time Credit, Per Defendant stating "Knowing you whom I dislike passionately, your making out October 2023, Rock out my face nigger." Mainville stated "Yeah your going to do a Year in RPV, and then 5th Stepdown and max out October 2023, this is due to your disciplinary, so your Program accomplishments are irrelevant, that's the reason for a Paper Detention and you'll be off tonight, he had to cancel his TAC, you did not get assistance or a 48 hour notice, because you assaulted my relative Officer Mainville, son of a bitch." St. May stated "Yeah you'll be making it, because your behavior at the MBR hearing in conducting, this Sgt. Locke wrote to place you on Paper Detention for Superintendent, was going to be dismissed, but you want assistance and directives, so now I can't no good time, go to your SHU cell and max out. ORC's refused to provide Plaintiff Burrell with any Programs, services, and Treatments stating "Uhler said max you out coming from Annucci, and Doc's it's not us." Defendants deprived Plaintiff of release from RPV - upon a fixed or tentative release date, Pursuant to State Created Liberty Interest, Correction Law 137. Violated Plaintiff Burrell, 1st, 5th, 8th, & 14th Amendment Rights Pursuant to the U.S. Constitution.

192. Plaintiff NWU obtained fake documents, and filed his motion on April 25, 2022, Uhler still has the Court's order, and acc further, as etc. refused to allow me law library access to Research Bill NO 8072 under Criminal Procedure (and). Violated Plaintiff's 1st, 5th, 8th, & 14th Amendment rights Pursuant to the U.S. Constitution

193. Defendants Amucci, Bishop, Uhler, Stickney, Docc, Union & (Iraq) discriminated against Muslim Plaintiff's Binelli, by refusing to hire a Imam, to deter congregated muslim services, as Celebrations, Congregated Prayer, Prayer rugs, wearing religious articles or clothing (Kurti, dikh beads. Denial of the Islamic Ramadan Celebrations, commenced on April 06, 2022 - May 02, 2022. Ramadan requires as a sacred belief a Congregational Prayer, breaking fast, with an evening Prayer, called Maghrib, at 7:30 - 8:00 AM. Beginning fast at dawn. The Christians, Today, have spiritual leaders, as these Defendants, all their services to Congregate and celebrate Ash Wednesday, Easter, and St. Patrick's Day, Catholics. Defendants' denial of Plaintiff to attend muslim Congregated Funeral services, held every Friday, with no Penological interest, except, Amucci and Uhler disdains for muslims. Defendants Boicey Refusal to feed Plaintiff with a Ramadan Meal, and refusal to acknowledge the holiday at UCF-UKU, violated Plaintiff's 1st, 5th, 8th, & 14th Amendment rights Pursuant to the U.S. Constitution.

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194.

Defendants) Amici, North, Doces, Uhler, Bishop, Thomas Hanaka, Stickney, Union, ORC Doney, ORC Campbell, ORC Fontain, ORC Rye, ORC Dumas, ORC Doney, ORC Archer, ORC Nelson, and ORC St. Mary. Were and are deliberately indifferent to Plaintiff(s) Bunell state-created liberty interest by refusing to comply with 2021 New York Bill No. 88077; Criminal Section Impact (1) (a) required no less than thirty days before the date on which the Person becomes eligible Pursuant to Paragraph (a) of the Subdivision to apply for a sentence reduction, the Dept. of Corrections & Community Supervision shall provide with notice of this section to: The Plaintiff(s) Bunell, Dorell, Dorell, Dorell, Dorell, as well as; Attorneys of record; All institutional offices that provide Criminal defense services within the County in which these statutes was imposed; Prisoner(s) Legal services of New York; The sentencing Court and the Prosecutor. Cursed Plaintiff(s) Bunell to be unaware of this Bill, that been in effective since January 19, 2022, Plaintiff(s) has had several interactions with OAC's since April 12, 2022, ranging from quarterly reviews, Program, Post Hearings, CDP, KAN-Admission, they refused to notify Plaintiff(s) due to Union, fear of a decrease in Prison Population and cause members Correctional officer's job loss, and loss an economic interest in there Prisoners, and Union Contributions. Plaintiff(s) Bunell, was informed by Co-Defendant MARTIN DE LA CRUZ, that he was eligible via his mother, Plaintiff(s) serving 6 (7) sentence and has certificates in various different demographics of employment. Defendants) Uhler, ORC Dumas, and ORC Campbell, denied Plaintiff(s) Bunell law-fel Correspondence with brother Trinidad in Itasca Township County Jail, in New York approved at CCF, and refusal to approve Co-Defendants) MARTIN DE LA CRUZ, Adrian Ciggis Sr, and Tinkler, to obtain Affidavits to show Plaintiff(s) minor role, the Doces allow correspondence internet to appeals. that are open to

Defendants) IEP Baynes, Uhler, Gilmore, and Bullock, were deliberately in different to Plaintiff(s) Burrill's Grievance Process(s) and the Due Process State Created Liberty and Property Interest, under the CC-137; and NYLRA 712R. 404.0, Grievance Program, still refers to Plaintiff(s) 169 inmates, and there is no new Amendment under the Bill No's

that Legislature order Amendments to various State laws. Gilmore informed Plaintiff Burrill "I don't read your letter's requested, your grievance's equate to issue to write my LRS with?" Sgt. Bullock, Serial of grievance's interview statement, where he told Plaintiff "I don't like you," while intoxicated and making of abuses. IEP Baynes refusal to process grievance's appeals, due to untruthful, and not considering the 45 day appeal right(s), if mitigating circumstances are shown Plaintiff did. So, consolidating Plaintiff(s) grievance without LRS consent, refusal of witnesses statements, witnesses, as to be present at the grievance's hearing(s), holding the Local Hearing, while Plaintiff(s) being held a absentee Defendant Uhler, Bishop, Amos, Pucci & Union, Crooked Policies to keep Plaintiff(s) Continued, deprived Plaintiff(s) Burrill opportunity in the Grievance Program and VCF-NRU violated Plaintiff(s) Burrill, 1st, 5th, 8th, & 14th Amendments right(s) pursuant, to the U.S. Constitution

96.

Defendant Annucci, the DOCS Package room 4911 Amendment in retaliation to the HART Act, and the refusal to Amend DOCS Disciplinary rules, regulations, and Dir. 4132, to substitute and replace inmates, and to have HART Contingency Directives, was a deliberate indifference, and a adverse act. Another tactic of manipulation to attempt to Conjure, that the Package room, that has been in DOCS, since 1980's, was not amended, was made abrogated families packages, off the visitation room propagating that the Contingency inquiry is due to the Package room being a Conduit. Defendants' Data Pooling of negative statistics and fabrication of DOCS violations, that are non-existent. The Dir. 4911 Amendment to deny Plaintiff's the right to mail a Food Package and/or visit.

This adverse act, was caused, after the 2007, revision Unprovoked Plaintiff's are suffering from Corporal Punishment, due to the alleged isolated incidents at other DOCS facilities, all incarcerated Plaintiff's and their family have to bear the economic costs of inflation, that has reach a 40 Year level, with Commercial Vendors higher prices. The logic, to cause Plaintiff's the work assignments comparable to general population would have created revenue to take the burden of expenses off families, but Plaintiff, is injured by this fact, and Annucci, and DOCS, Union, Care, Custody, and Control of Plaintiff's was wholly disregarded, no consideration of the U.S. economic climate and the level of weight loss, stress, that Plaintiff's due to the justification having no Perseverant interest, that had existed for 40 years. Violated Plaintiff's, Bivell, 1st, 4th, 5th, 8th, & 14th Amendments, Pursuant to the U.S. Constitution.

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Defendants' Annucci, and Dices, November 21, 2020, establishes the level of desperation with the intent to cause an elaborate effort with the Union and its members, using the name as persuasive value in the Northern District of New York, 2022-WL 9800500, to undermine Governor Kathy Hochul HACT Act, creating a fraudulent attacks, by assailing Plaintiff(s) Jones, Demell, Bunell, Tejeda, and others. To create a fraudulent theory of conjecture that "violence/crime is increasing" before the implementation of the HACT Act. This was a hate-filled, ruthless move, a deceptive play to manipulate justice, and was a result of the CERT buses Defendants, going on a onslaught of assaults through Dices facilities, specifically prisons. To obtain a statistical objective that Annucci and Roman, believed would surpass a threshold, to repeal HACT causing an impact to law enforcement to implement HACT and afford, Plaintiff(s) Bunell, with the rights, services, and treatment to provisional residents, under HACT. Violated Plaintiff(s) Bunell, 1st, 5th, 14th Amendment rights Pursuant to U.S. Constitution.

1981

Defendants 1 Uhlen Bishop, Annucci, & Union, have a special relationship with Plaintiff Bunell in the UCF-NAV, the rights, services, and treatment(s) to Plaintiff(s) through entitlement of Protection of HACT Act; (CJ-137; and DVC-Process. The use of UCF-NAV is a competing social, political, and economic interests. The Union Defendants, are causing incidents; unprovoked assaults on Plaintiffs Bowler and Smith on April 19, 2020, to have persuasive value in their HACT Act repeal efforts, is the type of competing obligation(s) that constitutes State-Created dangers. The deliberate indifference, to the right(s); service(s); and treatment, Plaintiff(s) Bunell, Bowler, Smith, Darnell, Megaw, and Farley. These Defendants' actions were taken arbitrarily with the intent to harm. Violated Plaintiff(s) 1st, 5th, 8th, & 14th Amendments rights, Pursuant to the U.S. Constitution.

Defendants 1 Union and UCFNAV DRC's Civilian; Discs; (Security). IRLC; Annucci, A. Rodriguez, and the Hearing Officers, refusal to undergo training, and the employment to UCFNAV, and to defy the HACT Act and all the revised provisions it entails, and to continue use of solitary confinement against Plaintiff(s) twenty-one and under and fifty-five and older and to hold Plaintiff(s) Bunell in SHU for more than fifteen days at a time, defying New York State Constitutionally obligations, and to disclaim Bill. No. 2836, and upholding the SHU manual, violated Plaintiff(s) 1st, 5th, 8th, & 14th Amendments rights, Pursuant to the U.S. Constitution.

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199. Defendant(s) Uhler, Bishop, Amucci, Noeth, Doccs, and Union, Policy to undermine HART provisions, and create a hostile environment within the UCF-KNU, to develop data of violence(s), fights, and assaults between Plaintiff(s) attacking each other. By placing one Static Tablet in the Cell(s) and one LowLibrary Tablet(s) into a two(2) man cell where there was space available, and the statute(s) Correction law 137, required them to do so, provide Solitude to Plaintiff(s) Burrell, Darrell, McGeachy, and Andrew Farley. These caused Plaintiff(s) physical injuries (e.g. lacerations, knee sores, new dauges) ; mental anguish, by fighting each other in a Double Cell, over the one Static and LowLibrary tablet, that was provided by a contract to be given (2) PerCell, juxtaposed to 10-UCF-on Bldg. Defendants assisted in creating and increasing the dangerous hostile environment between Plaintiff(s) living quarters. Furthermore Plaintiff(s) were alleged to be "Gang members" in Doccs database(s), and these allegations are based from Reconnaissance of Gang Intelligence Reports, from Doccs Staff, on the Plaintiff(s) interactions, and Gang Paraphernalia in Doccs facilities. To keep a pulse on the gang culture within Doccs, and Plaintiff(s) from gang violence, order their Care, custody, Policies, by causing foreseeable conflicts, they were able to force in May 07, 2021, for violence within Doccs, into the March 3, 2022 future from HART, so their capabilities, of Present CTSK exposures for Plaintiff(s) were obviated. Defendant data reflect Plaintiff(s) Blogs and ~~gangs~~ Cogs, causing fights and blood shed with UCF-KNU, between Burrell; and McGeachy. Burrell & Burrell, Farley and John Doe, McGeachy and John Doe. These Defendant(s) actions are so egregious that it shocks the Contemporary Conscience of Correction law 137, and the HART Act, and violates the essence of Plaintiff(s) 1st, 8th, and 14th Amendment rights, Pursuant to the U.S. Constitution.

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Defendants Annucci, Doos, Union, Byrnes, Uhler, & Bishop, Policy Denial, to all Plaintiff(s) Burrell, to participate in the grievance(s) Hearings conducted at UCF-NACV, refusing to allow Plaintiff(s) present at Hearings, call witnesses, submit Audio, video, and written evidence(s) to support grievance. CILMORE, refusal to Process Plaintiff(s) Action requests. Plaintiff(s) NOW-Status is a state created HALT ACT Policy, giving Plaintiff(s) the right to attend grievance(s) Hearings, as this is a Program "Comparable to General Population", in accordance to Correctional Law 1ST. Defendants Instead Processed Plaintiff(s) under there SHU manual, Plaintiff informed Byrnes, on May 12, 2022, Bullock admitted Plaintiff into suicide watch under a false premise, ordered Defendants Niles, Sawyer, and done, to destroy his Property, photos, and to transfer him from 8-B-30T; to 10-C2-43T. Upon arrival Plaintiff did not receive his Property until May 26, 2022. The two outstanding grievance appeals deadline May 18, 2022, were denied as untimely, ID# 4040, has a 45 time extension, due to mitigating circumstances that would allow an extension. Plaintiff Burrell, demonstrated not assessing the appeals, and did receive them until May 26, 2022, as a mitigating Circumstances. Defendants Uhler, Byrnes, and Annucci, denied the appeals stating, due to Plaintiff's grievance appeals within the deadline timeframes, shows he trying, but the grievance appeals were received at 10-C2-43T, so Plaintiff replied, the denial grievances were mailed to 8-B-30T on May 12, 2022. Plaintiff was not in that cell. Violated Plaintiff(s) Burrell, 1st, 8th, and 14th Amendment Rights Pursuant to the U.S. Constitution.

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Defendants (B) Conspiracy Uhler, MacEntosh, Annucci, Noeth, Dees & Union, to fabricate Plaintiff(s), as volatile and undistinguishable to law-abiding incarcerated individuals. By the Campaign of Statistical data; Strategies, Research and development to raise the Prison volume to above the required unconstitutional threshold. Precipitated an attempt to overthrow Governor Kathy Hochul HALT ACT. Insulting that violence in Prisons will increase conjectures. By using a fabricated illegal statistical data; attempting to develop statistical Persuasive value, Attempting to Cause this Court to order a Enjunction to repeal HALT ACT. without or Cause the required Controlling for the other relevant Variables, to Possess a mentality of an arbitrary one, with a Pre-determination that if there Class Action 2022 WL 21800-50, is denied they still won't enforce Gov. Hochul Halt ACT, within Dees facilities, by refusing to train and Denial of Plaintiff(s) services, treatment and rights, at VCF-RNY, making a stagnation, causing the Halt ACT Curriculum of Confinement to be obeyed until Dees train its staff, and Appeal the June 16, 2022, with a Change of the Court Appeal(s) de novo of this Court District. Denial. Until, Defendants, all there "exhausted remedies," they will not implement, the March 31, 2022, into Dees. Violated Plaintiff(s) Burrell, 1st, 5th, 8th, & 14th Amendment Rights Pursuant to the U.S. Constitution.

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202.

Defendants: One Hess, One Duran, One Donnelly, One Fortin, One Johnson, One Nelson, and one so many, refusal to provide Plaintiff Burrell an IAD, in consultation with only experts in trauma-informed care and denial of the right, statute created liberty interest to participate led to present at the Pmt hearing on June 03, 2022, to controvert any negative allegations, and/or inaccuracies in the Pmt file and Defendant's Decision making in deciding to successfully discharge of Plaintiff from RAV without allowing him services and treatments, to satisfy release criteria. Violated Plaintiff Burrell, 1st, 5th, 8th, & 14th Amendment rights, Pursuant to the U.S. Constitution.

203. Defendants: Annucci, Joseph North, Thomas Hunsley, Uhler, Bishop, Wilson and Duccs, were deliberately indifferent to DOCCS and the New York Civil Liberties Union approved on April 01, 2016 (NYCLU Settlement), and challenged it as the HACT Act in *NYS Civ. v. Hochul*, 2022 2180050, attempting to repeal HACT and recall Governor Hochul. By depriving Plaintiff Burrell of the lawful policies of HACT Act; Correction Law 137, by interfering HACT Act, placed Defendant(s) in jeopardy of violence, so "Fuck Hochul, she can't fire us, we're backed by the Union & it will take years to replace us, so fuck that training and fuck HACT, were going to run a 5th-10th RAV Period? These deprivations of the rights, treatments, and services of the HACT Act by deliberately, not undergoing the specialized training in Correction Law 137; HACT required to be employable at any DOCCS facility, refusal to train and failure to train, cause Plaintiff Burrell injuries and violated his 1st, 5th, 8th, & 14th Amendment rights Pursuant to the U.S. Constitution (page one hundred)

204. Defendants) Uhler, Stickney, Gwen Johnson, Reigard Bishop, Sore Nelson, Sore St. Mar, and Orr Dumas. Has refusing to constitute a Program(s) and work assignments) comparable to general Population. Refusing to Provide Plaintiff(s) Out-of-cell Programs, to ascertain good time Credit (e.g. Art and ASAT); as well as work Payments; idle Pay. Defendants) Stacey Nakkey, Linda Quinn, J. Ferrish, refusal to Provide Plaintiff(s) with idle pay wages and the day-Program attendance, wage(s) Plaintiff(s) Burrell were entitled too. These Defendant acts were deprivation of Liberty and Property interests, that were guaranteed as a Provision in the HART Act. Violated Plaintiff(s) Burrell 1st; 5th; 8th; 14th Amendment Rights, Pursuant to the U.S. Constitution.

205. Defendant(s) A. Caswell, refusal to Provide Plaintiff Burrell with medical attention for Pre-existing injuries. (e.g. Carpal Tunnel; Left wrist; sciatic nerve damage; Neck strain; Shoulder rotatory cuff; Lips and joint Pain, anal bleeding, Head aches, respiratory Problems, asbestos contraction thumb dislocated, forearm nerve damage. Plaintiff(s) Burrell denial of medical devices and braces (e.g. Tensunit; wrist and back brace), denial of Physical therapy, and any medication Prescription. The Plaintiff filed over 20 Sickcalls, never received treatment from April 13, 2022 - June 24, 2022. In retaliation, while intoxicated from a alcoholic beverage, and under the influence of Banibos,

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20. Cashway, became irate, Stumbling, "... my last name is Cashway, you swing a Cashway in Clinton, sounds familiar? Well, when he lets me know you dropped your lawsuit, then you'll get medical treatment, but until then, I'm Sorry, I have to protect my family, we stick together in the North Country." These derials was a medical indifference to Plaintiff medical needs, causing Pain, suffering, and mental anguish, violated Plaintiff Bureau 1st; 8th; & 14th Amendment rights Pursuant to the U.S. Constitution.

207. Defendants C. Mecergor and D. Derisse, are dentist, who under the direction of Cashway, denied Plaintiff Bureau dental services (e.g. abscess; decay; cleaning, chip took decay; bleeding gums, and teeth falling out). Stating to Plaintiff "You swing, Cashway family or something, Sorry we can't help you". These derials violated Plaintiff 1st; 8th; & 14th Amendments rights Pursuant to the U.S. Constitution.

3. Order Defendants to make those persons adversely affected by the Plaintiff(s), by their Practices, and Policies, described herein by providing appropriate back-pay, reimbursement of good time cost credits, training opportunities, treatment and services in an amount to be shown at trial, and other affirmative relief, including, but not limited to, an affirmative action program designed to eliminate the effects of the discrimination practices complained of in this Complaint.

4. Grant to Plaintiff(s) and member of their Class, Judgment against Defendant(s) damages in the amount of at least Three-point-five \$3.5 Billion Dollars, for mental distress imposed on these parties, through and as a result of the mentioned discriminatory acts.

5. Grant to Plaintiff(s) and members of their Class, Judgment against Defendant(s) Punitive Damages in the amount of Three-point-five \$3.5. Billion, or in such other amount as it commensurate with the wrong and the defendant's ability to pay.

6. Retain jurisdiction over this action to assure full compliance with the orders of this Court and with applicable law and require defendants to file such reports as the court deems necessary to evaluate such compliance.

VI. Prayer of Release

WHEREFORE, Plaintiff(s) respectfully pray that this Court advances this case on the docket, order a speedy hearing at the earliest practicable date, cause this case to be in every way expedited and upon such hearings to.

1. Issue a Declaratory Judgment that Defendants' Acts, Policies, Practices, and Procedures complained of herein violated Plaintiffs' rights as Title II of the Civil Rights Act of 1964; Thirteenth Amendment to the U.S. Constitution, First, Fourth, Third, Fifth, Eighth, and Fourteenth Amendment Rights, Pursuant to the U.S. Constitution and 42 U.S.C.A. 1983.
2. Grant Plaintiff Burrell and the class represent a Permanent injunction enjoining the defendants, DOCS and Union, their officers, agents, successors, employees, Attorneys, assigns and other representatives, and all those acting in concert with them at their direction from engaging in any employment Policy or Practice which discriminates against incarcerated individuals in DOCS on the basis of race, color, religion, or natural origin.

(Page One-Hundred-Four)

I swear under the Penalty of Perjury I
have read the ~~Exhibits~~ (s), and believe
them to be true. Pursuant to CRJ 2106

Dated: June 26, 2022

RESPECTFULLY
A. Bu

VCF-RW; Pro-Se
309 Barkhill Rd
Orangetown NY 12953

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The following Defendants received the income derived from the pattern of racketeering activity or through the collection of an unlawful debt.